

ORDINANCE NO. 574-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING TITLE 16, OF THE MURRIETA MUNICIPAL CODE TO REVISE THE CITY'S DEVELOPMENT CODE, APPROVING DCA-2021-2320 RELATED TO CHAPTERS 16.08, 16.16, 16.20, 16.34, 16.44, 16.70, and 16.110 AND AUTHORIZING THE FILING OF THE ENVIRONMENTAL DETERMINATION

WHEREAS, the City of Murrieta ("City") proposes an amendment to the City's Development Code for the purpose of revising and updating Chapters 16.08, 16.16, 16.20, 16.34, 16.44, 16.70, and 16.110 ("Development Code Amendment"); and

WHEREAS, DCA 2021-2320 includes an update and a structural clean-up in order to provide consistency within the sections of the City's Development Code identified above; and

WHEREAS, on August 25, 2021 the City of Murrieta Planning Commission held a duly noticed public hearing on the proposed Development Code Amendment, at which a staff report was presented as well as the opportunity for comments from the public. At that meeting it was recommended that the item be continued to the September 22, 2021 Planning Commission meeting in order for staff address in the interim a few minor technical updates that were discovered within the proposed Title 10 and 16 modifications; and

WHEREAS, on September 22, 2021 the Murrieta Planning Commission considered the proposed Development Code Amendment, at which a staff report was presented, as well as, an opportunity was provided for comments from the public regarding the need for the proposed Development Code Amendment and providing evidence in the record to support the findings required by the Murrieta Development Code Section 16.58.080; and

WHEREAS, the Planning Commission considered and discussed the public comments and written information provided at the public hearing and has determined that the proposed Development Code Amendment is appropriate; and

WHEREAS, the Planning Commission considered and discussed Options B1 through B-4 (Refer to PC-2021-9 Resolution – 5th Code Updates) with respect to the criteria as described under Section 16.44.150.J (Cargo Containers as an Accessory Structure) and recommended approval of the option Exhibit B-1 with a modification to Section 16.44.150.K.1.a. in order to provide for one (1) additional cargo container for each additional five (5) acres with respect to a subject parcel. Consistent with Planning Commission action, the updated language for this subsection is revised to read as follows: *"It shall be limited to one (1) cargo container for parcels between one (1) and two (2) acres. For parcels greater than two (2) acres and less than five (5) acres, one (1) additional container may be proposed. For parcels five (5) acres or greater, one (1)*

additional cargo container may be proposed for each additional five (5) acre increment for the subject parcel.”; and

WHEREAS, the Planning Commission, based on substantial evidence, has considered the potential for environmental effects as a result of the proposed Development Code Amendment pursuant to the California Environmental Quality Act (CEQA), and that the proposed code amendment is exempt under Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, if the City Council desired a more conservative approach for the use of storage containers on residential property, staff recommended the use of the option under Exhibit B-3.

WHEREAS, on February 15, 2022 the City Council held a duly noticed public hearing on the proposed Development Code Amendment, at which was presented the staff report and evidence in the record to support the findings required by the Murrieta Development Code Section 16.58.080; and

WHEREAS, on February 15, 2022, the City Council conducted the first reading with the approval the updates to Section 10.44.020, and the updates to Title 16, with the section of Option B-3. With the selection of Option B-3, modifications were made for 16.44.150.K.1.k. “Cargo Containers As An Accessory Structure”, with implementation of an 18 month period to obtain conformance for existing structures from the effective of the Ordinance, and amendments to “Table 3-14 - Required Setbacks - Accessory Uses And Structures” that the minimum side setback of 10 feet be provide from the side property line for a “Cargo Containers As An Accessory Structure”.

NOW THEREFORE, the City Council of the City of Murrieta, does ordain as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. Chapter 16.08 (Residential Districts), Table 16.08-01 (Table 16.08-1, Use Table For Residential (Single-Family) Zoning Districts), Table 16.08-03 (Table 16.08-3, Residential (Single-Family) Zones General Development Standards), Table 16.08-4 (Residential (Multi-Family) Zones General Development Standards), Chapter 16.16 (Combining and Overlay Districts), Table 16.16-2 (PRD General Development Standards), Chapter 16.20 (Density Bonus Regulations), Chapter 16.34 (Off-Street Parking and Loading Standards), Chapter 16.34 (Off-Street Parking and Loading Standards, Table 3-7 (Parking Requirements By Land Use), Chapter 16.44 (Standards for Specific Land Uses), Table 3-14 (Required Setbacks — Accessory Uses And Structures), Chapter 16.70 (Temporary Use Permits), and Section 16.110.020 (Definitions of Specialized Terms and Phrases) of the Development Code is hereby amended, as shown in Exhibit B-3, attached hereto and incorporated herein by this reference.

SECTION 3. Within Chapter 16.16 (Combining and Overlay Districts), the title(s) for Table 16.16-1 (Master Plan Overlay Applicable Standards), Diagram 16.16-1 (Neo-Traditional Development Lot Configuration – Single Family Home Typical Layout), and

Diagram 16.16-2 (Courtyard Cluster and Alley Access Development Lot Configuration – Single Family Home Typical Layout) of the Development Code is hereby added, as shown in Exhibit B-3 attached hereto and incorporated herein by this reference.

SECTION 4. The City Council finds the introduction and adoption of this Ordinance is not a project within the meaning of Section §15378 of the California Environmental Quality Act (CEQA) Guidelines because the action of adopting the amendment will not result in a physical change in the environment, either directly or indirectly. The action also falls within the exemption contained in CEQA Guidelines under Section §15061(b)(3) referred to as the “Common Sense” exemption because it can be seen with certainty that there will be no significant effect on the environment pursuant to Public Resources Code Section §21080.17 (adoption of an ordinance by a city to implement the provisions of Sections §65852.1 or §65852.2 of the Government Code).

SECTION 5. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6. This Ordinance shall take effect and be enforced thirty (30) days following final adoption by the City Council.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and shall publish a summary of this Ordinance and post a certified copy of the full Ordinance in the Office of the City Clerk at least five (5) days prior to the adoption of the proposed Ordinance; and within fifteen (15) days after adoption of the Ordinance, the City Clerk shall publish a summary of the Ordinance with the names of the Councilmembers voting for and against the Ordinance.

INTRODUCED at a regular meeting of the City Council of the City of Murrieta, California, held on this 15th day of February 2022; and

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Murrieta, California, held on the 5th day of April, 2022.

APPROVED:



Jonathan Ingram, Mayor

ATTEST:



Cristal McDonald, CMC, City Clerk

APPROVED AS TO FORM:



Leslie E. Devaney, City Attorney

ATTACHMENTS:

Exhibit B-3 Draft Ord. – Chapter 16 Amend. – Article II – Zoning Districts and Allowable Land Uses, Article III – Site Planning and General Development Standards, Article VI – Development Code Definitions – **Strikeout/Underline**

Exhibit B-3 Draft Ord. – Chapter 16 Amend. – Article II – Zoning Districts and Allowable Land Uses, Article III – Site Planning and General Development Standards, Article VI – Development Code Definitions – **Clean**

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify under penalty of perjury that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on the 15th day of February, 2022 and that thereafter the said Ordinance was duly and regularly adopted at a meeting of the City Council on the 5th day of April, 2022, by the following vote, to wit:

AYES: White, Stone, Warren, DeForest, Ingram

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this 5th day of April, 2022.



Cristal McDonald, CMC, City Clerk

(Seal)

Exhibit “B-3”

STRIKEOUT/UNDERLINE VERSION

Development Code Regulations

Article II – Zoning Districts and Allowable Land Uses

...

16.08 Residential Districts

...

16.16 Combining and Overlay Districts

...

Chapter 16.08 (Residential Districts) of the Murrieta Municipal Code is hereby amended as follows:

F. SF-2 (Single-Family Residential 2) District. The SF-2 zoning district is applied to parcels appropriate for single-family subdivisions which may include detached and attached single-family dwelling units with common walls. For attached units configured within two to three unit configurations, a Planned Residential Development application is required. The allowable density range is from 5.1 to 10.0 units per acre. The minimum parcel size for detached single-family units is ~~five~~ four thousand three hundred fifty ~~(5,000)~~ (4,350) square feet, although a smaller lot size can be considered for the clustering of units. This can be accomplished through a Planned Residential Development application process and associated findings. See Section 16.16.020 “Planned Residential Development General Standards” for additional details and requirements. The c~~clustering of units through the Planned Residential Development review process is to encourage provide an~~ aggregate of open space ~~is encouraged~~, with units on individual parcels with commonly maintained open space, and on-site recreational facilities required. The SF-2 zoning district is consistent with the ~~single-family~~ residential land use designation of the general plan;

Chapter 16.08 (Residential Districts) of the Murrieta Municipal Code is hereby amended as follows:

TABLE 16.08-1 USE TABLE FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS Permit Requirement by District		
Symbol	Applicable Process	See Chapter

P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use (1) (2)	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
<p>Notes:</p> <p>(1) See Section 16.04.020 regarding uses not listed.</p> <p>(2) See Article VI for definitions of the land uses listed.</p> <p>(3) Kennels existing as of January 1, 2014 within the RR zone are a legal-conforming land use and are permitted to continue in operation subject to no changes in the existing operation and/or compliance with the development standards contained in Section 16.44.040.E.2.</p> <p>(4) Minimum five (5) acre property.</p> <p>(5) Zoning clearance not required.</p> <p>(6) Any development standards imposed shall be limited to those specified in Sestate law. See California Code of Regulations, Title 25 (Housing and Community Development), Division 1 for additional details and requirements. No Manufactured Housing shall be installed on a lot in a permitted residential zone if more than 10 years has elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. This exclusion shall not apply to legally permitted Manufactured Homes converting from a pier foundation system to a permanent foundation system.</p> <p>(7) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.</p> <p>(8) For STVRs - Subject to the Citywide maximum, locational, and operational criteria, as described in Sections 5.27 and 16.44.260 of this Municipal Code.</p> <p>(9) Limited to a <i>Massage Accessory Use</i> in conjunction with establishment of the following primary uses: Assisted Living/Skilled Nursing. No other Personal Service are permitted. Refer to Section 16.44.270.B.3 (<i>Massage Accessory Use</i>) and Chapter 5.18 (Massage Businesses and Massage Therapists) for additional details.</p> <p>(10) Refer to Section 5.18.150 (Exemptions) for the types of "Professions and Services" which shall not be classified as a <i>Massage Establishment</i>.</p>							

...

TABLE 16.08-3 RESIDENTIAL (SINGLE-FAMILY) ZONES GENERAL DEVELOPMENT STANDARDS						
Development Feature	RR	ER-1	ER-2	ER-3	SF-1	SF-2⁽³⁾
Minimum Parcel Size	2.5 acres ⁽²⁾	1.0 acres	0.5 acres ⁽¹⁾	10,000 sq. ft.	7,200 sq. ft.	5,000 4,350 sq. ft.
Density Range	0.1 - 0.4 dus/acre	0.4 - 1.0 dus/acre	1.0 - 2.0 dus/acre	2.0 - 3.0 dus/acre	2.1 - 5.0 dus/acre	5.1 - 10.0 dus/acre
Minimum Parcel Width	100 feet	100 feet	100 feet	70 feet	70 feet	55 feet, <u>45 feet for parcels less than 5,000 square feet. This parcel width shall be increased to a 50 foot width for every fifth</u>

						lot on a non-cul-de-sac parcel street frontage.
Minimum Livable Area	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
Setbacks						
Front	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Interior	20 feet	20 feet	20 feet	10 feet	10 feet	7.5 feet per side. For parcels less than 5,000 sq. ft. = A minimum of an average of 12 feet overall for the combination of both interior sides with no side setback of less than 5 feet.
Street Side	20 feet	20 feet	20 feet	20 feet	20 feet	10 feet
Rear	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Accessory Structures	Consistent with Section 16.44.150					
Maximum Parcel Coverage	25%	25%	35%	35%	35% for two-story; 45% for single story	50%
Maximum Building Height	40 feet	40 feet	40 feet	35 feet	35 feet	35 feet

Minimum On-site Landscaping	25% of front yard area
Small Attached Unit Configuration	Refer to Section 16.16.020 "Planned Residential Development General Standards" for development standards and project review and 16.16.030 "Planned Residential Development Design Standards and Parameters."
<p>Notes:</p> <p>(1) A forty (40) foot wide buffer shall be provided along Washington Avenue (from Guava to Elm Street) in the public right-of-way. Landscaping to include six-foot high block wall, pedestrian trails and/or sidewalk, and landscaping berms to act as natural buffers. New residential projects will be allowed to access from Washington Avenue with residential lots abutting Washington Avenue are prohibited from taking direct access from Washington Avenue.</p> <p>(2) The minimum parcel area for properties zoned RR can include adjacent area to the centerline of the public street right-of-way.</p> <p>(3) For projects proposing a clustering configuration with detached single-family homes or within small attached unit configurations, please see 16.16.020 "Planned Residential Development General Standards" and 16.16.030 "Planned Residential Development Design Standards and Parameters" for requirements.</p>	

...

TABLE 16.08-4 RESIDENTIAL (MULTI-FAMILY) ZONES GENERAL DEVELOPMENT STANDARDS			
Development Feature	MF-1⁽⁵⁾	MF-2/MU-3⁽²⁾	MF-3
Minimum Parcel Size	5 acres	5 acres	5 acres
Minimum Parcel Width	100 feet	100 feet	100 feet
Density Range	10.1 - 15 du/acre	15.1 - 18.0 du/acre	Min. 30 du/acre
Minimum Livable Area	500 sq. ft.	500 sq. ft.	500 sq. ft.
Setbacks			
Street	10 feet	10 feet	Varying 10 - 20 feet
Interior	10 feet	10 feet	Minimum 10 feet ⁽¹⁾
Maximum Parcel Coverage	35%	35%	None
Maximum Height Limit	50 feet	50 feet	100 feet
Open Space (per dwelling unit)			
Private Open Space	60 sq. ft./upper floor 100 sq. ft./ground floor	60 sq. ft./upper floor 100 sq. ft./ground floor	All units 50 sq. ft. ⁽²⁾
Common Open Space	200 sq. ft.	200 sq. ft.	150 sq. ft. ⁽³⁾
Recreational Amenities			For projects containing 25 or more dwelling units, provide one recreational amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾

Minimum On-site Landscaping	10% of the site area
<p>Notes:</p> <p>(1) When adjacent to existing single-family residential use or zone, the building setback from the nearest property line shall be 10 feet for the first 25 feet in height, above 25 feet in height the setback shall be 20 feet, and above 50 feet, the setback shall be 30 feet.</p> <p>(2) For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private open space accessible directly from the living area of the unit, in the form of fenced yard or patio, a deck or balcony at a minimum area of 50 square feet. The minimum dimension, width or depth of a balcony shall be 5 feet.</p> <p>(3) All common open space shall be conveniently located and accessible to all dwelling units on the site. Common open space may include landscaping, pedestrian paths and recreational amenities. In projects containing fewer than 10 units, the common open space shall have a minimum width and depth of 10 feet. In projects containing 10 or more units, the minimum width and depth shall be 20 feet.</p> <p>(4) One common recreational amenity shall be provided for each 30 units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal, and/or occupy more area, specified items may be counted as two amenities, as noted. In all cases, each square foot of land area devoted to a recreational amenity shall be credited as common open space on a 1:1 basis.</p> <ul style="list-style-type: none"> a. Clubhouse (two) b. Swimming Pool (two) c. Tennis, Basketball or Racquetball court d. Weightlifting facility e. Children's playground equipment f. Sauna or Jacuzzi g. Day Care Facility (two) h. Other recreational amenities deemed adequate by the director. <p>(5) For projects proposing a clustering configuration with detached single-family homes or within small attached unit configurations, please see 16.16.020 "Planned Residential Development General Standards" and 16.16.030 "Planned Residential Development Design Standards and Parameters" for requirements.</p>	

(Ord. 538, Exhibit A (part), 2018; Ord. 492 Exhibit 4, 2014; Ord. 482-13 § 2, 2013; Ord. 377 § 3, 2006; Ord. 367 § 3, 2006; Ord. 297 § 2, 2004; Ord. 293 § 1 (part), 2004; Ord. 280 § 2, 2003; Ord. 253 § 2 (part), 2002; Ord. 182 § 2 (part), 1997)

16.08.040 Multi-family Residential Design Standards.

2. Access Drives.

a. Standard: Access drives shall be located at least two hundred (200) feet apart and at least one hundred (100) feet from property lines and street intersections unless an approved shared drive is provided, or the driveway location does not create a traffic hazard to adjacent property.

b. Standard: Access drives shall be located off of side streets and alleys whenever possible.

c. Standard: Access drives on larger residential projects (more than fifty (50) units) shall include a minimum five-foot-wide landscaped median including curbs,

color/textured paving, and other "gateway" elements (e.g., lights, bollards, entry walls, etc.).

d. Standard: Housing developments with more than two hundred (200) parking stalls (inclusive of the spaces located within carports and enclosed garages), that are located on an arterial or a larger street shall provide deceleration lanes adjacent to each major entry per City standards.

Chapter 16.16 (Combining and Overlay Districts) of the Murrieta Municipal Code is hereby amended as follows:

16.16.010 Purpose.

A. Purpose. ~~This~~The purpose of this chapter ~~is to~~ provide ~~.01s~~ guidance for development and new land uses in addition to the standards and regulations of the primary zoning district, where important area, neighborhood or site characteristics ~~re-~~quire require particular attention in project planning.

B. Applicability. The applicability of any overlay zoning district to specific sites is shown by the overlay zoning map symbol established by Section 16.06.010 (Zoning Districts Established). The provisions of this chapter apply to development and new uses in addition to all other applicable requirements of this development code. In the event of any perceived conflict between the provisions of this chapter and any other provision of this development code, this chapter shall control.

C. The Combining and Overlay Districts Include the Following:

~~—1. **LAD (Los Alamos District) Overlay District.** The LAD overlay is applied to the historic district east of 1-215 and south of Los Alamos Road, including the right-of-way, to preserve the historic rural character of the neighborhood, in terms of architectural, landscape, and roadway design. Bicycle, equestrian, pedestrian access, and shuttle van services and infill development are encouraged, subject to guidelines that protect the historic character of the district. The LAD overlay is consistent with the historic overlay designation of the general plan;~~

12. MPO (Master Plan) Overlay District. The MPO designation is applied to appropriate parcels with unique characteristics or circumstances that require additional development review. The district is subject to the density of the base zoning district and provides for clustering of residential dwelling units within projects in compliance with the master development plan process.

a. Master Development Plan Required. For any project with a master plan overlay designation, a master development plan shall be prepared pursuant to Chapter 16.64 of the development code, except that a specific plan shall be required for commercial or industrial zoned property with a master plan overlay, for the mixing of

residential and non-residential land uses, or as required by the city pursuant subsection (C)(~~2~~1)(c) of this section.

b. Applicable Residential Zones. A master plan overlay is restricted to the following residential zones:

Rural Residential (RR);

Estate Residential 1 (ER-1);

Estate Residential 2 (ER-2);

Single-Family 1 (SF-1).

c. Specific Plan May be Required for Certain Projects. Projects in a master plan overlay may re-quire the preparation of a specific plan if required by the city, in accordance with state law, when the following occur:

The project site is of sufficient size to effectively utilize density transfers to protect and preserve significant open space areas; and/or

The project site contains environmentally sensitive habitat or species or has significant geographic constraints or requires extensive public utility extensions that necessitate detailed long-range planning to ensure adequate protection of resources and the efficient provision of public services, infra-structures, and/or utilities. Specific plans shall comply with the density provisions of the underlying land use designation.

d. Development Standards. The following standards ([Table 16.16-1](#)) shall apply. Modifications to these standards, except for minimum lot size, may be considered as part of the review and approval of a master development plan provided in subsection (C)(~~2~~1)(g) of this section:

Table 16.16-1
MASTER PLAN OVERLAY APPLICABLE STANDARDS

Land Use Designation/Zone	Min. Lot Size	Applicable Standards (1)
Rural Residential (RR)	20,000 sq. ft.	ER-2
Estate Residential 1 (ER-1)	10,000 sq. ft.	ER-3
Estate Residential 2 (ER-2)	7,200 sq. ft.	SF-1
Single-Family 1 (SF-1)	5,000—6,000 sq. ft. (2)	SF-2

Notes:

(1) See [Table 16.08-1 "Use Table For Residential \(Single-Family\) Zoning Districts";](#) ~~2-2 "Allowable Uses and Permit Requirements for Residential Zoning Districts"; Table 2-3 Residential Zones General Development Standards Requirements by Individual Zoning District"~~ [Table 16.08-3 "Residential \(Single-Family\) Zones General Development Standards"](#); and Section [16.08.030](#) "Single-family Residential Design Standards and Parameters" for additional standards. In addition to the above-described standards, all applicable standards pertaining to single-family residential development, including but not limited to landscaping, parking etc. shall apply.

(2) Five thousand (5,000) square foot lots may be allowed for up to ten (10) percent of the project and six thousand (6,000) square foot lots may be allowed for up to twenty (20) percent of the project.

e. Modifications to Development Standards. Modifications to development standards may be approved in order to allow greater flexibility in dealing with site-specific issues, such as preservation of environmentally sensitive areas, efficient use of infrastructure, and allow for the inclusion of on-site amenities such as open spaces, enhanced landscaping and recreational opportunities. As the number and extent of any proposed development standard modifications increase, it is expected that the number and extent of the public amenities would expand accordingly.

f. Project Amenities. The development project shall provide public benefit beyond that normally required of a similar development outside of an MPO by the provision of such things as equestrian facilities, public open space, on and/or off site infrastructure improvements, public playgrounds, trails and other recreational facilities, or other ~~exceptional~~ [beneficial](#) public [use](#) facilities to the satisfaction of the city council as part of the master development plan review process.

g. Modifications to Standards for Public Benefit. Modifications to the standards specified herein may be approved in order to allow greater flexibility in reaching the objectives of the master plan and to meet the needs of a particular site. Any modifications must demonstrate that the public benefit is being provided.

3. SHO (Scenic Highway) Overlay District. The SHO designation is applied to the 1-15 and 1-215 corridors, as defined in the Master Plan of State Highways Eligible for Official Scenic Highway Designation, to provide protection for scenic qualities of historic significance with appropriate conservation plans. The SHO designation is consistent with the scenic highway/special corridor designation in the conservation and open space element of the general plan.

(Ord. 293 § 1 (part), 2004; Ord. 182 § 2 (part), 1997)

16.16.020 Planned Residential Development General Standards.

1. PRD (Planned Residential Development). The PRD standards can be utilized on all land zoned SF-2 (single-family residential), MF-1 (multi-family residential). The

standards allow for the development of single-family detached and attached units on residential lots which are smaller than four thousand three hundred fifty ~~five thousand~~ ~~(5,000)~~ 4,350 square feet, by requiring the use of common usable open space within the development in either a neo-traditional, courtyard cluster or alley access site design. Per Chapter 16.56, a development plan must be filed concurrent with the request for a planned residential permit, and the proposed project must meet all requirements set forth in Table 16.16-2 and Section 16.16.020.

TABLE 2-X
~~PRD GENERAL DEVELOPMENT STANDARDS~~

Development Feature	Neo-Traditional (1)	Courtyard Cluster(1)/ Alley Access
Minimum Parcel Size	4,000 sq. ft.	2,750 sq. ft.
Minimum Parcel Width	45 ft.	35 ft.
Maximum Livable Area	2,100 sq. ft.(6)	1,800 sq. ft.j6'
Minimum Livable Area	1,100 sq. ft.	1,000 sq. ft.
Setbacks Required (5)		
Front	10 ft (1)	10 ft.
Side (each)	0–10 ft.(4)'	0–10 ft.(4)
Street side	10 ft.	10 ft.
Rear	15 ft.	See 16.16.030(A)(5)
Accessory Structures	See Section <u>16.44.150</u> (Residential Accessory Uses and Structures)	
Maximum Parcel Coverage	50%	60%
Maximum Height Limit	35 ft.	35 ft.
Common Open Space	425 sq. ft./unit	750 sq. ft./unit

Notes:

- ~~— (1) The standards below are for single-family detached units.~~
- ~~— (2) The number of dwelling units in a planned development shall not exceed the density permitted by the underlying zone. The density regulations of the underlying zone may be applied to the total developable area of the planned development rather than separately to individual lots. In no case shall the density of the project be inconsistent with the general plan.~~
- ~~— (3) The front yard setback must be a minimum of ten feet to an architectural feature (ex: front porch or bay window). The setback for the garage door must be at least eighteen (18) feet from the back of the side walk, or the back of curb if there is no sidewalk. Projects incorporating side-loaded garages may use a ten foot minimum setback to the garage. See Section 16.16.030(A)(5)(a) below.~~
- ~~— (4) The total distance between structures must be at least ten feet. If any side yard setback is less than three feet, easements may be required on the adjacent property to allow for proper fire and emergency access.~~
- ~~— (5) See Section 16.16.030(A)(5) for additional design criteria.~~

~~—(6) Any combination of bedrooms, libraries, dens, studios or other stand-alone rooms that could easily be converted to bedrooms cannot exceed four.~~
~~(Ord. 538, Exhibit A (part), 2018; Ord. 252 (part), 2002)~~

Table 16.16-2
PRD GENERAL DEVELOPMENT STANDARDS

<u>Development Feature⁽⁶⁾</u>	<u>Neo-Traditional – Type A⁽¹⁾⁽²⁾⁽⁵⁾⁽⁶⁾</u>	<u>Neo-Traditional – Type B⁽¹⁾⁽²⁾⁽⁵⁾⁽⁶⁾</u>	<u>Courtyard Cluster/ Alley Access⁽¹⁾⁽²⁾⁽⁵⁾⁽⁶⁾</u>
<u>Detached Single-Family Unit</u>	<u>1 Unit Configuration</u>	<u>1 Unit Configuration</u>	<u>1 Unit Configuration</u>
<u>Attached Single-Family Units</u>	<u>2-3 Unit Configuration</u>	<u>2-3 Unit Configuration</u>	<u>2-3 Unit Configuration</u>
<u>Minimum Parcel Size</u>	<u>4,000 sq. ft.</u>	<u>3,500 sq. ft.</u>	<u>2,750 sq. ft.</u>
<u>Minimum Site Area Equivalent Per Dwelling Unit for an Attached Single-Family Unit</u>			
<u>Minimum Parcel Width</u>	<u>45 ft.</u>	<u>40 ft.</u>	<u>35 ft.</u>
<u>Maximum Livable Area</u>	<u>2,100 sq. ft.</u>	<u>2,100 sq. ft.</u>	<u>1,800 sq. ft.</u>
<u>Minimum Livable Area</u>	<u>1,000 sq. ft.</u>	<u>1,000 sq. ft.</u>	<u>1,000 sq. ft.</u>
<u>Setbacks Required⁽⁵⁾</u>			
<u>Front</u>	<u>10 ft.⁽³⁾</u>	<u>10 ft.⁽³⁾</u>	<u>10 ft.</u>
<u>Side (each)</u>	<u>0 - 10 ft.⁽⁴⁾</u>	<u>0 - 10 ft.⁽⁴⁾</u>	<u>0 - 10 ft.⁽⁴⁾</u>
<u>Street side</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Rear</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>See 16.16.030(A)(5)</u>
<u>Accessory Structures</u>	<u>See Section 16.44.150 (Residential Accessory Uses and Structures)</u>		
<u>Maximum Parcel Coverage</u>	<u>50%</u>	<u>50%</u>	<u>60%</u>
<u>Maximum Height Limit</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
<u>Common Open Space</u>	<u>425 sq. ft./unit</u>	<u>500 sq. ft./unit</u>	<u>750 sq. ft./unit</u>
<u>Private Open Space</u>	<u>675 sq. ft./unit</u>	<u>600 sq. ft./unit</u>	<u>350 sq. ft./unit</u>

Notes:

- (1) The standards below are for attached and detached single-family units.
(2) The number of dwelling units in a planned development shall not exceed the density permitted by the underlying zone. The density regulations of the underlying zone may be applied to the total developable area of the planned development rather than

separately to individual lots. In no case shall the density of the project be inconsistent with the general plan.

(3) The front yard setback must be a minimum of ten feet to an architectural feature (ex: front porch or bay window). The setback for the garage door must be at least twenty (20) feet from the back of the sidewalk, or the back of curb if there is no sidewalk. Projects incorporating side-loaded garages may use a ten (10) foot minimum setback to the garage. See Section 16.16.030(A)(5)(a) below.

(4) The total distance between structures must be at least ten feet per California Building and Fire Code standards. If any side yard setback is less than three feet, easements may be required on the adjacent property to allow for proper fire and emergency access.

(5) See Section 16.16.030(A)(5) for additional design criteria.

(6) Exception to Development Standards - See Section 16.44.160 (Accessory Dwelling Units) for lot coverage, setbacks, and square footage provisions as required per State law.

16.16.030 Planned Residential Development Design Standards and Parameters.

The following standards and parameters are provided to ensure a level of quality that must be complied with or satisfied in all planned residential developments (PRD). In addition to the general provisions of the underlying zone and [Chapter 16.16](#) (Combining and Overlay Districts), a PRD shall comply with the following standards. Parameters are provided to allow flexibility by providing options for implementing specific standards. In order to meet a certain standard, one or a combination of parameters shall be incorporated in the project's design. In some instances, there will be no parameter(s) identified for a particular standard and this will be noted.

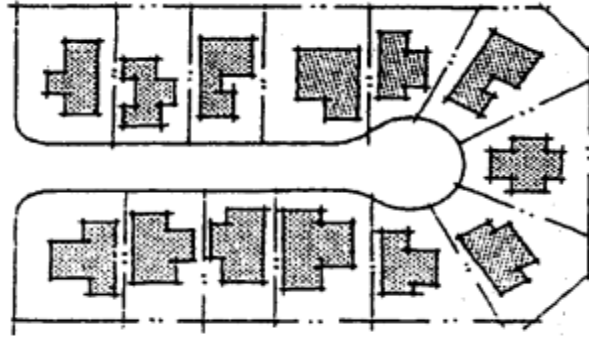
A. Site Planning. The following standards and parameters deal with the internal organization of planned residential developments. The intent of the standards and parameters is to ensure that the relationships of units to each other and to other on-site uses are functional, attractive, and create a visual variety along the project's streets.

1. Lot Layout.

a. Standard: A project may be designed using one, two or all three of the ~~permitted~~ lot designs within the project. [Attached single-family units with up three units within a building may be option as well for any of the three lot designs with implementation of a modified typical interior setback\(s\) \(See Table 16.16-2 "PRD General Development Standards" for additional details\). All other PRD standards would apply for this type of attached configuration.](#) The standards that apply to any given lot will depend upon where access to the garage is obtained. A neo-traditional lot ([Refer to Diagram 16.16-1](#)) will have garage access from the front of the house to the project local street. Cluster courtyards and alley access lots will have garage access to the side of the house from either a courtyard or an alley.

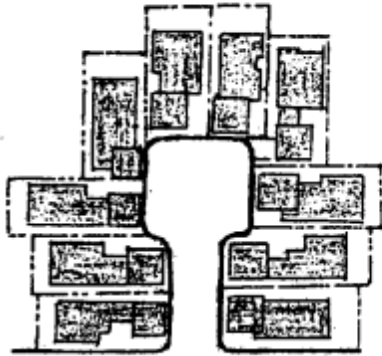
Parameters:

1) The neo-traditional development consists of detached single-family dwellings on individual lots. Lots are of approximately equal size, and are placed adjacent to one another throughout the entire project area. Common open space areas are dispersed throughout the project. A two-car garage shall be provided for each unit.



~~Neo-Traditional Development~~ **Diagram 16.16-1 - Neo-Traditional Development Lot Configuration – Single Family Home Typical Layout**

2) The courtyard cluster or alley access development [layout \(Refer to Diagram 16.16-2\)](#) permits a reduction in lot area, resulting in an increase in the overall density of the project. Single-family homes are clustered around an access courtyard or provided with rear alley access. Garages have access from the courtyard or from the alley. Common usable open space areas are provided throughout the project. Private fenced patio area is provided for each unit. A two-car garage shall be provided for each unit.



Courtyard Cluster



Alley Access

Diagram 16.16-2 – Courtyard Cluster and Alley Access Development Lot Configuration – Single Family Home Typical Layout

2. Parking.

a. Standard: All units shall have at least two full-size enclosed residential parking spaces. A three-car garage is not permitted, unless the third space is located within in-a tandem configuration.

Parameters: None.

b. Standard: Driveways ~~in for a~~ neo-traditional lot design shall be large enough to provide for additional off-street parking. Driveway length is measured from back of sidewalk, or back of curb where there is no sidewalk.

Parameters:

1) Driveways for neo-traditional lots shall have~~will be~~ a minimum of twenty~~eighteen (20)(18)~~ feet in length~~if a roll-up garage door is used~~.

~~2) Driveway for neo-traditional lots will be a minimum of twenty (20) feet in length if a swing-up garage door is used.~~

c. Standard: Visitor parking shall be provided. Standards set forth in Section 16.34.040 regarding the number of spaces to be provided shall be followed.

Parameters:

1) On-street parallel parking on project streets may satisfy this requirement. On-street parallel parking on at least one side of the street is strongly encouraged. If the project lacks adequate on-street parking, additional parking bays dispersed throughout the project ~~may be necessary~~ shall be provided.

d. Standard: Additional parking spaces, in excess of the required visitor parking, at a ratio of one space per ten units included in the entire project, shall be provided at the primary recreation facility.

Parameters: None.

3. Common Recreational Space.

a. Standard: Open space areas designed for common recreation use shall be provided for all residential developments at a ratio of four hundred twenty-five (425) square feet per unit for neo-traditional units and seven hundred fifty (750) square feet per unit for courtyard cluster or alley access units. ~~Parameters: None.~~

Parameters: None.

b. Standard: Specifically excluded from meeting the common usable open recreational space requirement are driveways, parking areas, fenced areas, which are inaccessible to residents, areas with slopes of fifteen (15) percent or greater, and any

other areas deemed not to be primarily used for open recreational purposes by the planning commission or city council.

Parameters: None.

c. Standard: For all projects, common usable space areas shall be designed so that a horizontal rectangle inscribed within it has no dimension less than ten feet.

Parameters: None.

d. Standard: Residential projects with twenty-five (25) to seventy-four (74) units shall provide at least one common, active recreation area with a minimum size of four thousand (4,000) square feet, to meet a portion of these requirements. Residential projects with seventy-five (75) units or more shall provide at least two common, active recreation areas with a minimum size of four thousand (4,000) square feet or one area with a minimum size of eight thousand square feet to meet a portion of these requirements.

Parameters: None.

e. Standard: Each recreation area ~~shall~~must provide ~~adequate~~ amenities to commensurate with the project's unit count ~~size~~ and expected residents.

Parameters: Examples include swimming pool, jungle gym, sand pit, basketball court, sand volleyball court, swing set, barbeques and picnic tables.

4. Streets.

a. Standard: Private streets are required within a planned residential development, provided their width and geometric design must be related to the function, topography and needs of the development, and their structural design, pavement and construction must comply with the requirement of the city's street improvement standards.

Parameters: None.

b. Standard: Private streets may incorporate one of the following parameters:

Parameters:

1) Streets with two lanes and parking on both sides, shall have a minimum width of thirty-six (36) feet.

2) Streets with two lanes and parking on one side, shall have a minimum width of thirty-two (32) feet.

3) Streets with two lanes and no parking shall have a minimum width of twenty-eight (28) feet.

4) Alleys which are not considered fire lanes by the fire official ~~marshall~~, may have a minimum width of twenty-four (24) feet.

c. Standard: No parking shall be permitted on private alleys.

Parameters: None.

d. Standard: Streets with curves or jogs at intervals of no more than three hundred (300) feet are strongly encouraged in all PRDs to enhance the visual quality of the streetscape.

Parameters: None.

5. Setbacks.

a. Front Yards on Streets: Front yard setbacks along private streets shall be varied throughout the project. Alternative placement of homes and garages closer to and farther back from the street create different patterns of open space along the street edge and break up an otherwise monotonous view of houses built along the same setback. The project may achieve this by incorporating one of the following parameters:

Parameters:

1) Varying architectural features, such as bay windows, porches, and side-loaded garages.

2) No more than two adjacent residences shall incorporate the same setback.

b. Yards Abutting Common Open Space: Courtyard clusters and alley access units may have entries that face common open space. In this case, a minimum five-foot setback shall be provided to the lot line. When the private patio area abuts common open space, no setback is required to the patio wall or fence.

c. Garage Setbacks: Garages taking access from a courtyard or alley must have garage doors set back between two to five feet, or at least twenty (20) ~~eighteen (-18)~~ feet. Setbacks between five and twenty (20) ~~eighteen (-18)~~ feet are specifically prohibited to preclude parking in front of garage doors without adequate depth to accommodate the car.

6. Private Open Space.

a. Standard: Each lot shall contain an private outdoor yard and/ or patio area enclosed by a wall or fence ~~sufficient in size to accommodate outdoor dining, toddler~~

~~play areas, or a private spa or hot tub.~~ This area shall be usable for the exclusive use of the residents of the lot.

Parameters:

1) For neo-traditional lots the required rear yard area, shall include if level and usable, is deemed sufficient to meet this requirement. If the required yard is not completely level, then an equivalent area of a level private outdoor area of at least six hundred ~~seventy-five (675)~~ (600) square feet in area with a minimum dimension of fifteen (15) feet ~~must be provided on the lot~~ (See "Table 16.16-2 PRD General Development Standards" for the two neo-traditional types and additional criteria).

2) For cluster courtyards or alley access lots, a level private outdoor area of an area of three hundred fifty (350) square feet, with a minimum dimension of ten feet, ~~must~~ shall be provided on each lot. This area may be located in the front of the unit, between the unit and a detached garage, or within the side yard setback.

3) The private exterior area where proposed mechanical equipment (i.e. air conditioning condensing units, etc.) is proposed shall not count towards the required square footage.

7. Recreational Vehicle Storage.

a. Standard: All projects containing twenty-five (25) units or more shall provide space to store campers, trailers, boats, etc. The storage space shall be located in specifically designated areas, and be made available for the exclusive use of the residents of the planned development. Parameters:

1) The area provided for recreational vehicle storage shall be equal to at least twenty (20) square feet for each unit.

b. Standard: One space per ten dwelling units at a size of two hundred (200) square feet for each required space.

Parameters: None.

c. Standard: The required storage space shall be adequately screened from all residences and adjoining properties.

Parameters:

1) A view-obscuring wall may be constructed between the open parking area and the adjacent residences.

2) Landscaping techniques may be used to screen the open parking area from the adjacent residences.

B. Parkland Dedication.

a. **Standard:** Each project will be required to fulfill one hundred (100) percent of Quimby Act requirements. No credits will be provided for private open space.

Parameters: None.

C. Lighting.

a. **Standard:** Lighting shall be provided on-site consistent with City standards ~~adequate~~ for pedestrian safety, ~~and~~ vehicular safety, and for security purposes ~~sufficient to minimize security problems shall be provided.~~

Parameters: None.

D. Utilities.

a. **Standard:** There shall be separate utility systems for each unit.

Parameters: None.

E. Landscaping.

1. Walls and Fences.

a. **Standard:** The project shall follow wall and fence guidelines found in Chapter 16.08 of the Murrieta development code.

Parameters: None.

2. Project Entry.

a. **Standard:** All projects ~~must create a unique and innovative~~ shall provide a project entry. The ~~following~~ minimum parameters are ~~suggested~~ required:

Parameters:

- 1) The use of landscaping to create themes which will continue throughout the project.
- 2) The use of decorative paving in order to enhance the entry to the residential project.
- 3) Wall signs which identify the project.

~~4) Incorporation of water features such as fountains and/or small pools~~

b. **Standard:** At least **one** of the following “Sense of Place” components:

Parameters:

1) Incorporation of water features such as fountains and/or small pools pursuant to State requirements regulating water usage.

2) The use of a thematic vertical elements at the main entrance.

3) The use of decorative benches and other types of exterior seating which are thematic to the project.

F. Homeowner’s Association.

a. Standard: All projects shall create a homeowner's association in order to address maintenance of the common open space. The CC&Rs for the project will be subject to review and approval of the city attorney.

Parameters: None.

G. Home Types and Styles.

a. Standard: A minimum of fifteen (15) percent of the residences within a PRD may be required by the city to be one-story, with a height not exceeding twenty (20) feet.

Parameters: None.

b. Standard: Additional front and/or side yard setbacks may be required by the city for two-story homes within a PRD.

Parameters: None.

c. Standard: Varied architectural styles and/or exterior materials may be required by the city for the homes within a PRD.

Parameters: None.

(Ord. 538, Exhibit A (part), 2018; Ord. 293 § 1 (part), 2004; Ord. 252 (part), 2002)

Article III – Site Planning and General Development Standards

...

16.20 Density Bonus Regulations

...

16.34 Off-Street Parking and Loading Standards

...

16.44 Standards for Specific Land Uses

...

16.70 Temporary Use Permits

...

Chapter 16.20 (Density Bonus Regulations) of the Murrieta Municipal Code is hereby amended as follows:

16.20.040 Application Requirements.

A. Any applicant requesting a density bonus and any *incentive(s)*, waiver(s), parking reductions, or *commercial development bonus* provided by State Density Bonus Law shall submit a density bonus report as described below concurrently with the filing of the planning application for the first discretionary permit required for the *housing development*, *commercial development*, or mixed-use development. The requests contained in the density bonus report shall be processed concurrently with the planning application. The applicant shall be informed whether the application is complete consistent with Government Code § 65943.

B. The density bonus report shall include the following minimum information:

1. Requested Density Bonus.

a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

[b. Summary table identifying the proposed on-site parking and how it is allocated within the scope of the project. The applicant shall consult with the provisions of Government Code Section § 65915.](#)

~~c.b.~~ A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed

affordable units and density bonus units, and if applicable, the location of all major transit stop(s) as defined under Government Code Section § 65915, and/or fixed bus route(s) as described under Government Code Section § 65915 for a rental project for those 62 or older, or a for a special needs housing development, or combination thereof.

~~d.e.~~ The zoning and general plan designations and assessor's parcel number(s) of the housing development site.

~~e.d.~~ A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

~~f.e.~~ Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five-year period preceding the date of submittal of the application.

~~g.f.~~ If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code § 65915(g) can be met.

Chapter 16.34 (Off-Street Parking and Loading Standards) of the Murrieta Municipal Code is hereby amended as follows:

**TABLE 3-7
PARKING REQUIREMENTS BY LAND USE**

Residential Uses	Vehicle Spaces Required
<u>Density Bonus</u>	<u>On-site parking for a density bonus project shall be consistent with the requirements as described under Government Code § 65915(p). See Section 16.20.040.B.4 for additional details.</u>

Section 16.44 (Standards for Specific Land Uses) of the Murrieta Municipal Code is hereby amended as follows:

16.44.150 Residential Accessory Uses and Structures.

This section provides standards for specific residential accessory uses and structures allowed in the zoning district applicable to a parcel. Residential accessory uses include any use that is customarily related to a residence, including, but not limited to, garages, greenhouses, storage sheds, studios, above ground swimming pools/spas and workshops. Accessory structures must obtain development plan approval pursuant to [Chapter 16.56](#) (Development Plan Permits) of this title if a new accessory structure or addition results in an increase of more than one thousand (1,000) square feet, unless otherwise identified in this Section. [Accessory Dwelling Units \(ADUs\) are separately defined by State Law from Residential Accessory Uses and Structures. Please see Section 16.44.160 \(Accessory Dwelling Units\) for definitions, criteria, and processing requirements.](#)

A. General Requirements. Accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this section for specific uses.

1. Relationship of Accessory Use to the Main Use. Accessory uses and structures shall be incidental to and not alter the residential character of the site.

2. Attached Structures. An accessory structure that is attached to a main structure shall be architecturally compatible with, and made structurally a part of the main structure (e.g., share a common wall with the main structure). It shall also comply with the requirements of this development code applicable to the main structure, including but not limited to setbacks, heights, and lot coverage, unless a minor variance is approved. [For accessory structures that propose an ADU component, please refer to Section 16.44.160 and Government Code 65852.2 for criteria with respect to the ADU components of the structure.](#)

3. Detached Structures:

a. Coverage. The floor area of a single detached accessory structure shall not exceed one thousand (1,000) square feet, nor shall the sum of the floor area(s) of the total number of detached accessory structures exceed 40 percent, of the required rear yard of the parcel. A covered patio or barbecue area shall not be construed as an accessory structure for purpose of calculating floor area.

b. Design. Detached accessory structures shall be compatible with the materials and architecture of the main dwelling(s) on the property whenever feasible. [For accessory structures that propose an ADU component, please refer to Section 16.44.160.F.2 for the exterior design criteria.](#)

c. Setback Requirements. Setbacks shall be as provided by [Table 3-14](#) (Required Setbacks—Accessory Uses and Structures). [For accessory structures that propose an ADU component, please refer to Section 16.44.160.F.1 for the setback criteria with respect to the ADU component of the structure.](#)

d. Height. The maximum height of an accessory structure shall be in compliance with the height restriction for the zone, and shall not be greater than the height of the primary residence on the lot. [An accessory structure proposing an ADU component shall be permitted to exceed the height of the primary residence for the portion of accessory structure containing and for accessing the ADU.](#)

B. Antennas. Antennas are subject to the provisions of Section [16.44.170](#) (Telecommunications Facilities).

C. Garages. A detached accessory garage shall not be greater than one thousand (1,000) square feet or fifty (50) percent of the square footage of the main dwelling unit, whichever is less, or two thousand (2,000) square feet or fifty (50) percent of the square footage of the main dwelling unit in rural residential zones, whichever is greater. Size deviation may be authorized pursuant to section [16.56.020](#) (A).

D. Greenhouses. An accessory greenhouse may occupy up to five hundred (500) square feet for each dwelling unit or ten percent of the parcel, whichever is less.

E. Guest Living Quarters. Guest living quarters, which are sometimes referred to as a Granny Flat or Guest House, can be attached or detached for temporary use by guests or family members of the primary residence. Guest living quarters do not include a kitchen or wet-bar and may occupy up to 500 square feet. Guest living quarters may not be rented.

F. Swimming Pools/Spas/Hot Tubs. Private swimming pools, spas and hot tubs are allowed accessory to approved residential uses on the same parcel, subject to the following provisions:

1. Limitation on Use. The pool is to be used solely by occupants of the dwelling(s) on the same parcel and their guests; and

2. Fencing. The swimming pool shall be secured by fencing and/or walls to prevent uncontrolled access by children, in compliance with the building code.

3. Setbacks. Swimming pool/spa shall maintain the required setback which is measured from water edge to property line for in-ground pool/spa and from the outside edge of the structure to property line for above ground pool/spa.

G. Tennis and Other Recreational Courts. Noncommercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use are subject to the following provisions:

1. Fencing: Shall be subject to the height limits of [Chapter 16.22](#) (Fences, Hedges and Walls); and

2. Lighting. Court lighting shall not exceed a maximum height of twenty (20) feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property, in compliance with Section [16.18.100](#) (Lighting).

H. Workshops and Studios. Accessory structures intended for engaging in artwork, crafts, light hand manufacturing, mechanical work, etc. are subject to the following standards when located in a residential zoning district:

1. Limitation on Use: An accessory structure may be constructed or used as a studio or workshop in any residential zoning district for the following noncommercial activities:

- a. Amusements or hobbies;
- b. Artistic endeavors (e.g., painting, photography or sculpture);
- c. Maintenance of the main structure or yards;
- d. Maintenance or mechanical work on vehicles owned or operated by the occupants; or
- e. Other similar purposes.

Use of an accessory workshop for commercial activity shall be subject to the standards for home occupations, in compliance with [Chapter 16.60](#); and

2. Floor Area. A workshop shall not occupy an area larger than one thousand (1,000) square feet, except where a workshop is combined with a garage. In this case subsection C (Garages), above, shall apply.

I. Rooming and Boarding House. A rooming and boarding house (including sober living homes), as defined in [Chapter 16.110](#) of this title, may be established only upon approval of a conditional use permit for six (6) or fewer occupants, and shall be prohibited for more than six (6) occupants subject to the following standards (Short-Term Vacation Rentals that are regulated separately fall outside of this criteria. See, [Chapter 5.27](#) (Short-Term Vacation Rentals) of the Murrieta Municipal Code for further criteria on these uses):

1. Filing Requirements. In addition to the regular application information, the application for a conditional use permit for a rooming and boarding house or sober living home shall include the following information:

- a. Any proposed restrictions or limitations on the resident profile, such as men only, women only, families with children, elderly or special needs;

- b. The number of rooms to be used for sleeping purposes, and the maximum number of residents including on-site management staff, if any; and
- c. Any proposed limitations on the maximum stay for each resident.

2. Site Location Criteria. In evaluating a proposed rooming and boarding house or sober living home the following criteria shall be considered:

- a. Compatibility of the proposed use with neighboring uses;
- b. Whether the use will result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;
- c. The proximity of the use to shopping and services, and access to public transportation; and
- d. To avoid an over-concentration of rooming and boarding houses and sober living homes, there shall be a minimum separation requirement of five hundred (500) feet, measured from the nearest outside building walls, between the subject use and any other rooming and boarding home or other group housing as defined in this title or in state law.

3. Development Standards. Any rooming and boarding house or sober living home shall comply with the following:

- a. Structures and landscaping shall be compatible with the character of the surrounding neighborhood;
- b. Sufficient on-site parking shall be provided (the precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal);
- c. Both indoor and outdoor open areas shall be provided on site;
- d. All setback standards of the underlying zone shall be met; and
- e. Signs as permitted in [Chapter 16.38](#).

4. Notification. Notification of the conditional use permit public hearing shall be done in accordance with [Chapter 16.52](#) of this title.

5. Existing Facilities. Upon the expiration of any conditional use permit, an existing rooming and boarding house or sober living home must comply with the requirements of this Section [16.44.150](#).

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the city, including, but not limited to, the number of occupants or residents, or any modifications to the conditions of approval pursuant to the required conditional use permit, shall require the immediate submittal of a request for revision of the required conditional use permit.

J. Parolee-Probationer Home. A parolee-probationer home, as defined in [Chapter 16.110](#) of this title, may be established only upon approval of a conditional use permit

for six (6) or fewer occupants, and shall be prohibited for more than six (6) occupants subject to the following standards.

1. Filing Requirements. In addition to the regular application information, the application for a conditional use permit for a parolee-probationer home shall include the following information:

- a. Client profile (the subgroup of the population the facility is intended to serve);
- b. Maximum number of occupants, including support staff;
- c. Proposed maximum stay for each parolee-probationer;
- d. A description of support services to be provided on-site and projected staffing level, if any;
- e. Site plan and floor plans; and
- f. Rules of conduct and business management plan.

2. Site Location Criteria. In evaluating a proposed parolee-probationer home, the following criteria shall be considered:

- a. Compatibility of the proposed use with neighboring uses;
- b. Whether establishment of the facility will not result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;
- c. Facility shall be located along or near a collector or arterial street with reasonable access to public transportation;
- d. Facility shall be accessible to necessary support services;
- e. To avoid an over-concentration of parolee-probationer homes, there shall be a one thousand (1,000) foot separation requirement as measured from the nearest outside building walls between the subject use and any other parolee-probationer home or other group housing as defined in this title or in state law;
- f. To avoid an over-concentration of group housing facilities, there shall be a one thousand (1,000) foot separation requirement as measured from the nearest outside building walls between the subject use and any other group housing as defined in this title or state law; and
- g. That parolee-probationer homes shall not be located within one thousand (1,000) feet of a public or private school (pre-school through twelfth (12th) grade),

student housing, senior housing, child care facilities, public parks and trails, or businesses licensed for on- or off-site sales of alcoholic beverages, as measured from any point on the outside walls of the parolee-probationer home to the nearest property line of the noted use.

3. Development Standards. Any parolee-probationer home shall comply with the following:

- a. Facility shall be compatible with the character of the surrounding neighborhood;
- b. Sufficient on-site parking shall be provided (the precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal);
- c. Both indoor and outdoor open areas shall be provided on site;
- d. All setback standards of the underlying zone shall be met;
- e. Signs as permitted in [Chapter 16.38](#);
- f. On-site staff supervision shall be required for parolee-probationer homes during all hours of operation;
- g. Individual client stays at parolee-probationer homes shall not exceed one hundred eighty (180) days; and
- h. The facility's management shall participate in any formal residential crime prevention program (i.e., Crime Free Multi-Housing Program) provided by the city and as required under the conditional use permit and, if the program offers certification, then that certification shall be obtained and maintained in current status.

4. Notification. Notification of the conditional use permit public hearing shall be done in accordance with [Chapter 16.52](#) of this title.

5. Existing Facilities.

- a. Upon the expiration of any conditional use permit, an existing parolee-probationer home must comply with the requirements of this Section [16.44.150J](#).
- b. An existing parolee-probationer home established pursuant to any conditional use permit discontinued for any period of time, excluding a maximum thirty- (30-) day closure required to perform necessary repair or restoration which does not increase the square footage of the residence, is deemed abandoned and any subsequent establishment of a parolee-probationer home on the premises shall be required to first obtain a new conditional use permit.

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the city, including, but not limited to, the number of occupants, residents or parolees- probationers, or modifications to the conditions of approval pursuant to the required conditional use permit shall require the immediate submittal of a request for revision of the required conditional use permit.

K. Cargo Containers As An Accessory Structure. The purpose of this section is to allow cargo containers to be placed on private property in a permanent manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate residential neighborhood and will not become a nuisance to the community.

1. Permanent use.

- a. It shall be limited to one (1) cargo container for parcels between one (1) and two (2) acres. One (1) additional container may be proposed for parcels greater than two (2) acres.
- b. The permanent placement of a cargo container shall be limited to the Rural Residential (RR) and Estate Residential 1 (ER-1) zones that are greater than one (1) acre or more.
- c. The approval shall be specific to a location and shall not be transferable to other locations or property.
- d. It shall meet all requirements as set forth in the California Building and Fire Code(s).
- e. It shall be limited to a "storage occupancy" as categorized under the California Building and Fire Code(s).
- f. It shall be accessory to the primary use of the property for the storage of nonflammable, noncombustible, nonhazardous materials and supplies.
- g. The cargo container shall be modified in such a manner to match the main residential structure in terms of exterior colors, trim, and roofing style. On larger parcels, over two (2) acres or more, the modifications shall be limited to the paint color of the exterior in terms of matching the main residential structure.
- h. Structure setbacks shall be provided as noted in Table 3-14.
- i. It shall comply with and height and lot coverage thresholds as defined within Rural Residential (RR) and the Estate Residential 1 (ER-1) zones.
- j. Landscape screening methods shall be provided on-site to the satisfaction of the Planning Director or their designee.

- k. Existing cargo containers at existing residential properties can remain in place 18 months from the effective date of Ordinance.

TABLE 3-14
REQUIRED SETBACKS—ACCESSORY USES AND STRUCTURES

<u>Single-family Homes</u>		
<u>Accessory Structure</u>	<u>Type of Setback¹</u>	<u>Required Setback²</u>
<u>Garage, gazebo, greenhouse, patio cover, storage shed, workshop (more than one hundred twenty (120) square feet)</u>	<u>Sides and rear</u>	<u>Five feet; unless adjacent to a public street when the setback shall be 10 feet</u>
<u>Gazebo, greenhouse, patio cover, storage shed, (less than one hundred twenty (120) square feet)³</u>	<u>Sides and rear</u>	<u>Three feet</u>
<u>Swimming pool, spa, fish pond, outdoor play equipment⁴</u>	<u>Sides and rear</u>	<u>Five feet</u>
<u>Stationary barbecue, fire pit, propane tank</u>	<u>Front,</u> <u>Sides and rear</u>	<u>Ten feet</u> <u>Three feet</u>
<u>Air conditioning equipment, pool and spa equipment, ground-based antennas</u>	<u>Sides and rear</u>	<u>Four feet</u>
<u>Cargo Containers As An Accessory Structure⁽⁷⁾</u>	<u>Front,</u> <u>Side, min.</u> <u>distance from</u> <u>another structure,</u> <u>rear</u>	<u>Twenty-five feet</u> <u>Ten feet, Eight feet</u>
<u>Multi-family Homes</u>		
<u>Garage, gazebo, greenhouse, patio cover, storage shed, workshop</u>	<u>All sides</u>	<u>As required for main structure</u>
<u>Gazebo, greenhouse, patio cover, storage shed, (less than one hundred twenty (120) square feet)³</u>	<u>All sides</u>	<u>Three feet</u>
<u>Swimming pool, spa, fish pond, outdoor play equipment⁴</u>	<u>Front</u> <u>Sides and rear</u>	<u>Ten feet</u>
<u>Stationary barbecue, fire pit, propane tank</u>	<u>Front</u> <u>Sides and rear</u>	<u>Ten feet</u> <u>Three feet</u>

<u>Air conditioning equipment, pool and spa equipment, ground-based antennas</u>	<u>Sides and rear</u>	<u>Four feet</u>
<u>Notes: (1) Where a parcel is situated so that the front, side, or rear property lines are not readily determinable, required setbacks shall be established by the director.</u> <u>(2) A structure, projection or equipment shall not be placed or occur beyond the property lines of the subject parcel.</u> <u>(3) Building permits are not required for accessory structures one hundred twenty (120) square feet or less in area and twelve (12) feet or less in height.</u> <u>(4) Pools and/or spas may be allowed no closer than three feet as determined by the director. A minor variance may be required if at the discretion of the director, it is determined that the reduced setback could cause adverse impacts to adjacent properties (see Section 16.72.020).</u> <u>(5) Existing single family detached lots with lot widths less than required by the zone may utilize a reduced setback equal to ten percent (10%) of the lot width but in no case closer than three feet.</u> <u>(6) Small structures that are less than six feet in height and do not extend above an adjoining solid fence or wall is exempt from setback requirements.</u> <u>(7) Limited to Rural Residential (RR) and Estate Residential (ER-1) Zones with a minimum of a one (1) acre parcel area.</u>		

TABLE 3-14
REQUIRED SETBACKS—ACCESSORY USES AND STRUCTURES

—Single-family Homes		
Accessory Structure	Type of Setback¹	Required Setback²
Air conditioning equipment, pool and spa equipment, ground-based antennas	Sides and rear	Four feet
—Multi-family Homes		
Garage, gazebo, greenhouse, patio cover, storage shed, workshop	All sides	As required for main structure
Gazebo, greenhouse, patio cover, storage shed, (less than one hundred twenty (120) square feet)³	All sides	Three feet
Swimming pool, spa, fish pond, outdoor play equipment⁴	Front Sides and rear	Ten feet
—Single-family Homes		
Stationary barbecue, fire pit, propane tank	Front Sides and rear	Ten feet Three feet
Air conditioning equipment, pool and spa equipment, ground-based antennas	Sides and rear	Four feet

~~Notes: (1) Where a parcel is situated so that the front, side, or rear property lines are not readily determinable, required setbacks shall be established by the director.~~

~~(2) A structure, projection or equipment shall not be placed or occur beyond the property lines of the subject parcel.~~

~~(3) Building permits are not required for accessory structures one hundred twenty (120) square feet or less in area and twelve (12) feet or less in height.~~

~~(4) Pools and/or spas may be allowed no closer than three feet as determined by the director. A minor variance may be required if at the discretion of the director, it is determined that the reduced setback could cause adverse impacts to adjacent properties (see Section 16.72.020).~~

~~(5) Existing single family detached lots with lot widths less than required by the zone may utilize a reduced setback equal to ten percent (10%) of the lot width but in no case closer than three feet.~~

~~(6) Small structures that are less than six feet in height and do not extend above an adjoining solid fence or wall is exempt from setback requirements.~~

Chapter 16.70 (Temporary Use Permits) of the Murrieta Municipal Code is hereby amended as follows:

16.70.030 Allowed Temporary Uses.

An application for a temporary use permit shall be required for the following activities and shall be subject to conditions identified in Section [16.70.060](#), below and other additional conditions as may be imposed by the director. _____

A. Commercial Coaches. Commercial coaches (as defined by state law (Health and Safety Code Section 18001.8)) or mobile homes on active construction sites, for use as a construction office, temporary living quarters for security personnel, or temporary residence of the subject property owner. The following restrictions shall apply:

1. The director may approve a temporary trailer coach for the duration of the construction project or for a specified period, but in no event for more than two years. If exceptional circumstances exist, a one-year extension may be granted, in compliance with Section [16.80.060](#) (Time Extensions);
2. Installation of trailer coaches may occur only after a valid building permit has been issued by the building department;
3. Trailer coaches allowed in compliance with this chapter shall not exceed a maximum gross square foot-age of six hundred fifty (650) square feet in size (tongue not included);
4. The trailer coach shall have a valid California vehicle license and the applicant for the trailer coach shall provide evidence of state division of housing approval, in compliance with state law (Health and Safety Code);

5. The temporary trailer coach installation shall meet all requirements and regulations of the county department of environmental health services and the city's building department; and

6. A permit issued in compliance with this chapter, in conjunction with a construction project, shall become invalid upon cancellation or certificate of occupancy for which this use has been approved, or the expiration of the time for which the approval has been granted.

B. Outdoor Arts and Crafts Shows. Outdoor arts and crafts shows and exhibits provided the uses are limited to two days of operation or exhibition in any one hundred eighty- (180-) day period;

C. Parking Lot Sales. Parking lot and sidewalk sales for businesses located within a commercially designated property shall be subject to the following development standards:

1. Outdoor display and sales items shall be identical and accessory to items sold indoors.

2. The business shall have a valid business license with the city and own/lease space on the subject property.

3. The display and sale of merchandise is permitted only by the tenant of an existing commercial development on the same site.

4. Private sidewalks, courtyards or entry areas may be utilized for display provided a minimum four foot wide pedestrian area remains clear and unobstructed and all fire, building and handicapped access requirements are met.

5. All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

6. The uses shall be subject to the sign regulations contained in [Chapter 16.38](#).

D. Real Estate Office Trailers. Temporary real estate sales office trailers, to be used solely for the first sales of homes or the first rental of apartments within the same development, may be established within the areas of an approved tentative tract or an approved development plan permit, subject to the following:

1. The approved land use permit shall include those conditions and requirements deemed necessary or advisable to protect the public safety and the general welfare and adequate guarantees that the structures and facilities will be removed or made consistent with applicable zoning regulations within ninety (90) days after the expiration of the permit. In addition to those findings required for the approval of the land use

application, the temporary use permit for a temporary real estate sales office trailer(s) shall also include the following findings:

- a. The access, parking, and circulation facilities would not result in excess traffic congestion or traffic safety hazards; and
- b. The operation of the real estate sales office trailer(s) and associated activities would not conflict with adjacent and nearby residential uses.

2. A temporary use permit application for a temporary sales office trailer(s) may be approved for a maximum time period of two years from the date of approval. At the end of the two year period, the use shall either be terminated or the applicant may file for an extension, in compliance with Section [16.80.060](#) (Time Extensions).

E. Sales of Agricultural Products. Seasonal sales of agricultural products, provided parking and access are provided to the satisfaction of the director;

F. Seasonal Product Sales. Christmas tree, pumpkin, or other seasonal product sales lots subject to the following guidelines and conditions:

1. All uses shall be limited to no more than one hundred eighty (180) days of operation in any calendar year, subject to the discretion of the director;
2. The applicant shall secure an electrical permit from the city if the facility is to be energized;
3. All lighting shall be directed away from and shielded from adjacent residential areas and streets, in compliance with Section [16.18.100](#) (Lighting); and
4. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the director.

G. Special Outdoor Events. Special outdoor events including carnivals, circuses, fairs, parades, rodeos, and large athletic, religious, or entertainment events. The uses shall be subject to the following guidelines and conditions:

1. All uses shall be limited to not more than fifteen (15) days, or more than three weekends, of operation in any one hundred eighty- (180-) day period. To exceed this time limitation shall require the approval of a conditional use permit, in compliance with [Chapter 16.52](#);
2. Activities conducted on property owned by or leased to the city and public rights-of-way may also require the approval of an encroachment permit issued by the engineering department;

3. The director may require a cash bond or other guarantee for removal of the temporary use, cleanup and restoration of the activity site within seven days of the conclusion of the approved activity;

4. Related issues including fire protection, food and water supply, medical services, noise, police/security, sanitation facilities, signs, traffic control, and use of tents and canopies shall be addressed to the satisfaction of the director, director of public works, police department, fire protection district, or health officer in their administration of other city codes. Other city codes may require the applicant to obtain additional permits (e.g., building, electrical, health, and tent permits); and

5. The director or any other responsible city department head may impose other conditions on the temporary use to ensure that the use is operated in a manner which would be compatible with the surrounding uses and neighborhoods. ~~and~~

H. Parking lot vehicle sales. Vehicle sales shall be allowed in commercial zones, subject to the following guidelines and conditions.

1. The use is limited to licensed new car dealerships located in the city.
2. All uses shall be limited to four (4) consecutive days, which must include Saturday and Sunday.
3. The applicant shall obtain clearances from the Public Works, Fire, and Police Departments.
4. Permit applications that involve other city codes may require additional permits (e.g., building, electrical and health).
5. The Planning Director may impose additional conditions to ensure the permit is used in a manner compatible with the surrounding uses and zoning.

I. Temporary Business Structures. Temporary structures to serve as substitute business space may be proposed when an existing commercial or industrial business structure is damaged or destroyed by means beyond the control or influence of the owner or tenant, subject to the following limitations, as well as additional requirements deemed appropriate by the Director:

1. The temporary structure shall not be greater in size than that which was damaged or destroyed;
2. The temporary structure shall be located so as to have a minimal effect on available parking;
3. The temporary structure shall comply with Fire Department and Building Department standards for public occupancy;

4. The temporary structure shall be housed in a structure designed for short-term use;

5. Use of the temporary structure shall have a time limit of twelve (12) months from the date that the business was damaged or destroyed, or nine (9) months from the date that a substantial plan check application for repair of the permanent structure is submitted to the city, whichever is the soonest;

6. A one-time extension of between one (1) and six (6) months may be approved by the Planning Director provided substantial progress toward completion of the construction on the permanent structure is made; and

7. The temporary structure shall be removed within the earlier of thirty (30) days after completion of the replacement permanent structure, or expiration of the time allowed for the temporary structure pursuant to this section.

J. Temporary Storage. Temporary storage may be allowed by the director for activities of a limited duration that are commonly associated with an approved use, provided the following findings can be made:

1. That the temporary storage, as proposed, will not adversely impact adjoining properties; and

2. That the temporary storage, as proposed, will not be contrary to the public health, safety and general welfare.

K. Commercial Filming. Temporary commercial motion picture production, television production (including commercials), still photography and related activities on public or private property (excluding public roads rights-of-way), for occasional commercial filming on location, subject to the following:

1. All commercial filming activities shall be conducted under the auspices of the City Manager. A certificate of Insurance indemnifying the City of Murrieta as an additional insured shall be provided.

2. Prohibited activities:

a. Any filming activity that creates a substantial risk of injury to persons, damage to property or a significant degradation of the environment or that is contrary to the public health, safety or welfare, including but not limited to, disruption of emergency access to surrounding properties.

b. Any filming activities that violate any applicable City codes including but not limited to, the Grading and Noise Ordinances.

3. Limitations. On properties where commercial filming activities are the principal use of the property or structures, the use shall not be considered temporary and shall be subject to all applicable provision of the Development Code.

4. Street Closures or Filming in Public Right of Way. Any commercial filming activities taking place within public rights of way or requiring street closures are subject to approval of an encroachment permit and traffic control plan from the engineering department.

5. Exempted activities. The filming, videotaping or production of current news which includes reporters, photographers or cameramen employed by a newspaper, news service, broadcasting station or similar entity engaged in on-the-spot broadcasting of news events, or the filming or videotaping of motion pictures solely for private family use, shall be exempt from these provisions.

L. Special Events on Land Owned by or Leased to the City. Special Events that occur on land, outside of the public right-of-way, owned by or leased to the City are subject to the approval of a Special Events Permit Application for temporary events in lieu of a Temporary Use Permit application. The application, associated requirements and conditions are subject to review and issuance by the Parks and Recreation Director or their designee.

M. Temporary Residential Moving Containers. *Temporary residential moving containers* shall be subject to following criteria:

1. That the temporary residential moving storage, as proposed, will not adversely impact adjoining properties;

2. That the temporary residential moving storage, as proposed, will not be contrary to the public health, safety and general welfare;

3. *Temporary residential moving containers* shall not be placed in the public right-of-way.

4. The *temporary residential moving container* delivered to a residence's subject property, shall be limited to two occasions within a twelve-month (12) period and one container per occasion;

5. *Temporary residential moving containers* delivered to a residence shall be placed on a hardscape surface (i.e. driveway) and shall be limited to a maximum of a two-week period on the subject private property. These provisions would not be subject to issuance of Temporary Use Permit. For containers which are proposed to be placed for longer than a two-week period, a Temporary Use Permit application with fees, and a description of the extraordinary hardship on why the additional timeframe is necessary, shall be submitted to the Planning Director or their designee for their review;

N. Temporary Cargo Containers The purpose of this section is to allow cargo containers to be placed on private property in a temporary manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate neighborhood and will not become a nuisance to the community.

1. A temporary use permit shall be required for when the *temporary cargo container* is used during construction activities at residential, commercial, office, business park, mixed-use or industrial locations.

2. It shall be placed in such a manner that it does not encroach into a landscaped area, onto sidewalks, or into public rights-of-way, and provides adequate access for ingress and egress in case of an emergency.

3. At a residential location it shall provide sufficient room to open the garage door to allow access and egress in case of an emergency.

3. It shall be limited to storage activities solely.

4. It shall be located in such a manner that it is to have a minimal effect on available parking.

5. The *temporary cargo container* shall comply with all City Engineering, Fire Department and Building Division standards for a storage occupancy and placement.

6. Use of the *temporary cargo container* shall have an initial time limit of six (6) months from the date of application approval.

7. A one-time extension of the temporary use permit may be approved for a period as determined necessary by the Planning Director or their designee provided there is substantial progress toward completion of the construction phase of the project.

8. The *temporary cargo container* shall be removed immediately upon completion of the temporary term or upon expiration or finalization of the building permit, whichever occurs first.

9. The Planning Director or their designee may impose additional conditions of approval with respect to the Temporary Use Permit for the *temporary cargo container*.

10. For cargo containers that proposed to be placed in a permanent manner, please refer to Section 16.44.150.K (Cargo Containers As An Accessory Structure)

(Ord. 544 § 32, 2019; Ord. 430-10 § 10, 2010; Ord. 412 § 2, 2008; Ord. 367 § 5, 2006; Ord. 269 § 2 (part), 2002; Ord. 182 § 2 (part), 1997)

Article VI – Development Code Definitions

Chapter 16.110 – Definitions

Section 16.110.020 (Definitions of Specialized Terms and Phrases) of the Murrieta Municipal Code is hereby amended as follows:

C. Definitions, "C". The following definitions are in alphabetical order.

Cargo Containers. It is a pre-manufactured metal shipping container or standardized, reusable vessel, designed without axle or wheels, that was originally designed and fabricated for, or used in, the packing, shipping, movement or transport of freight, articles, goods, or commodities from one location to another and that is delivered to a site as a fully assembled unit. The utilization of these units is limited for the conversion of an existing unit for permanent storage activities. See Section 16.44.150.K (Cargo Containers As An Accessory Structure) for additional details.

..

T. Definitions, "T". The following definitions are in alphabetical order.

Temporary Cargo Containers. It is a pre-manufactured metal shipping container or standardized, reusable vessel, designed without axle or wheels, that was originally designed and fabricated for, or used in, the packing, shipping, movement or transport of freight, articles, goods, or commodities from one location to another and that is delivered to a site as a fully assembled unit. The utilization of these units is limited for temporary construction activities. See Section 16.70.030.N (Temporary Cargo Containers) for additional details.

Temporary Residential Moving Containers. A storage container associated with moving activities at a residence. See Section 16.70.030.M (Temporary Residential Moving Containers) for additional details and parameters.

Exhibit “B-3”

CLEAN VERSION

Development Code Regulations

Article II – Zoning Districts and Allowable Land Uses

...

16.08 Residential Districts

...

16.16 Combining and Overlay Districts

...

Chapter 16.08 (Residential Districts) of the Murrieta Municipal Code is hereby amended as follows:

F. SF-2 (Single-Family Residential 2) District. The SF-2 zoning district is applied to parcels appropriate for single-family subdivisions which may include detached and attached single-family dwelling units with common walls. For attached units configured within two to three unit configurations, a Planned Residential Development application is required. The allowable density range is from 5.1 to 10.0 units per acre. The minimum parcel size for detached single-family units is four thousand three hundred fifty (4,350) square feet, although a smaller lot size can be considered for the clustering of units. This can be accomplished through a Planned Residential Development application process and associated findings. See Section 16.16.020 “Planned Residential Development General Standards” for additional details and requirements. The clustering of units through the Planned Residential Development review process is to encourage an aggregate of open space with units on individual parcels with commonly maintained open space, and on-site recreational facilities required. The SF-2 zoning district is consistent with the residential land use designation of the general plan;

Chapter 16.08 (Residential Districts) of the Murrieta Municipal Code is hereby amended as follows:

TABLE 16.08-1 USE TABLE FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS Permit Requirement by District		
Symbol	Applicable Process	See Chapter

P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use (1) (2)	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
<p>Notes:</p> <p>(1) See Section 16.04.020 regarding uses not listed.</p> <p>(2) See Article VI for definitions of the land uses listed.</p> <p>(3) Kennels existing as of January 1, 2014 within the RR zone are a legal-conforming land use and are permitted to continue in operation subject to no changes in the existing operation and/or compliance with the development standards contained in Section 16.44.040.E.2.</p> <p>(4) Minimum five (5) acre property.</p> <p>(5) Zoning clearance not required.</p> <p>(6) Any development standards imposed shall be limited to those specified in State law. See California Code of Regulations, Title 25 (Housing and Community Development), Division 1 for additional details and requirements.</p> <p>(7) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.</p> <p>(8) For STVRs - Subject to the Citywide maximum, locational, and operational criteria, as described in Sections 5.27 and 16.44.260 of this Municipal Code.</p> <p>(9) Limited to a <i>Massage Accessory Use</i> in conjunction with establishment of the following primary uses: Assisted Living/Skilled Nursing. No other Personal Service are permitted. Refer to Section 16.44.270.B.3 (<i>Massage Accessory Use</i>) and Chapter 5.18 (Massage Businesses and Massage Therapists) for additional details.</p> <p>(10) Refer to Section 5.18.150 (Exemptions) for the types of "Professions and Services" which shall not be classified as a <i>Massage Establishment</i>.</p>							

...

TABLE 16.08-3 RESIDENTIAL (SINGLE-FAMILY) ZONES GENERAL DEVELOPMENT STANDARDS						
Development Feature	RR	ER-1	ER-2	ER-3	SF-1	SF-2⁽³⁾
Minimum Parcel Size	2.5 acres ⁽²⁾	1.0 acres	0.5 acres ⁽¹⁾	10,000 sq. ft.	7,200 sq. ft.	4,350 sq. ft.
Density Range	0.1 - 0.4 dus/acre	0.4 - 1.0 dus/acre	1.0 - 2.0 dus/acre	2.0 - 3.0 dus/acre	2.1 - 5.0 dus/acre	5.1 - 10.0 dus/acre
Minimum Parcel Width	100 feet	100 feet	100 feet	70 feet	70 feet	55 feet, 45 feet for parcels less than 5,000 square feet. This parcel width shall be increased to a 50 foot width for every fifth lot on a non-cul-de-sac parcel

						street frontage.
Minimum Livable Area	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
Setbacks						
Front	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Interior	20 feet	20 feet	20 feet	10 feet	10 feet	7.5 feet per side. For parcels less than 5,000 sq. ft. = A minimum of an average of 12 feet overall for the combination of both interior sides with no side setback of less than 5 feet.
Street Side	20 feet	20 feet	20 feet	20 feet	20 feet	10 feet
Rear	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Accessory Structures	Consistent with Section 16.44.150					
Maximum Parcel Coverage	25%	25%	35%	35%	35% for two-story; 45% for single story	50%
Maximum Building Height	40 feet	40 feet	40 feet	35 feet	35 feet	35 feet

Minimum On-site Landscaping	25% of front yard area
Small Attached Unit Configuration	Refer to Section 16.16.020 "Planned Residential Development General Standards" for development standards and project review and 16.16.030 "Planned Residential Development Design Standards and Parameters."
<p>Notes:</p> <p>(1) A forty (40) foot wide buffer shall be provided along Washington Avenue (from Guava to Elm Street) in the public right-of-way. Landscaping to include six-foot high block wall, pedestrian trails and/or sidewalk, and landscaping berms to act as natural buffers. New residential projects will be allowed to access from Washington Avenue with residential lots abutting Washington Avenue are prohibited from taking direct access from Washington Avenue.</p> <p>(2) The minimum parcel area for properties zoned RR can include adjacent area to the centerline of the public street right-of-way.</p> <p>(3) For projects proposing a clustering configuration with detached single-family homes or within small attached unit configurations, please see 16.16.020 "Planned Residential Development General Standards" and 16.16.030 "Planned Residential Development Design Standards and Parameters" for requirements.</p>	

...

TABLE 16.08-4 RESIDENTIAL (MULTI-FAMILY) ZONES GENERAL DEVELOPMENT STANDARDS			
Development Feature	MF-1⁽⁵⁾	MF-2⁽²⁾	MF-3
Minimum Parcel Size	5 acres	5 acres	5 acres
Minimum Parcel Width	100 feet	100 feet	100 feet
Density Range	10.1 - 15 du/acre	15.1 - 18.0 du/acre	Min. 30 du/acre
Minimum Livable Area	500 sq. ft.	500 sq. ft.	500 sq. ft.
Setbacks			
Street	10 feet	10 feet	Varying 10 - 20 feet
Interior	10 feet	10 feet	Minimum 10 feet ⁽¹⁾
Maximum Parcel Coverage	35%	35%	None
Maximum Height Limit	50 feet	50 feet	100 feet
Open Space (per dwelling unit)			
Private Open Space	60 sq. ft./upper floor 100 sq. ft./ground floor	60 sq. ft./upper floor 100 sq. ft./ground floor	All units 50 sq. ft. ⁽²⁾
Common Open Space	200 sq. ft.	200 sq. ft.	150 sq. ft. ⁽³⁾
Recreational Amenities			For projects containing 25 or more dwelling units, provide one recreational amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾

Minimum On-site Landscaping	10% of the site area
<p>Notes:</p> <p>(1) When adjacent to existing single-family residential use or zone, the building setback from the nearest property line shall be 10 feet for the first 25 feet in height, above 25 feet in height the setback shall be 20 feet, and above 50 feet, the setback shall be 30 feet.</p> <p>(2) For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private open space accessible directly from the living area of the unit, in the form of fenced yard or patio, a deck or balcony at a minimum area of 50 square feet. The minimum dimension, width or depth of a balcony shall be 5 feet.</p> <p>(3) All common open space shall be conveniently located and accessible to all dwelling units on the site. Common open space may include landscaping, pedestrian paths and recreational amenities. In projects containing fewer than 10 units, the common open space shall have a minimum width and depth of 10 feet. In projects containing 10 or more units, the minimum width and depth shall be 20 feet.</p> <p>(4) One common recreational amenity shall be provided for each 30 units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal, and/or occupy more area, specified items may be counted as two amenities, as noted. In all cases, each square foot of land area devoted to a recreational amenity shall be credited as common open space on a 1:1 basis.</p> <ul style="list-style-type: none"> a. Clubhouse (two) b. Swimming Pool (two) c. Tennis, Basketball or Racquetball court d. Weightlifting facility e. Children's playground equipment f. Sauna or Jacuzzi g. Day Care Facility (two) h. Other recreational amenities deemed adequate by the director. <p>(5) For projects proposing a clustering configuration with detached single-family homes or within small attached unit configurations, please see 16.16.020 "Planned Residential Development General Standards" and 16.16.030 "Planned Residential Development Design Standards and Parameters" for requirements.</p>	

(Ord. 538, Exhibit A (part), 2018; Ord. 492 Exhibit 4, 2014; Ord. 482-13 § 2, 2013; Ord. 377 § 3, 2006; Ord. 367 § 3, 2006; Ord. 297 § 2, 2004; Ord. 293 § 1 (part), 2004; Ord. 280 § 2, 2003; Ord. 253 § 2 (part), 2002; Ord. 182 § 2 (part), 1997)

16.08.040 Multi-family Residential Design Standards.

2. Access Drives.

a. Standard: Access drives shall be located at least two hundred (200) feet apart and at least one hundred (100) feet from property lines and street intersections unless an approved shared drive is provided, or the driveway location does not create a traffic hazard to adjacent property.

b. Standard: Access drives shall be located off of side streets and alleys whenever possible.

c. Standard: Access drives on larger residential projects (more than fifty (50) units) shall include a minimum five-foot-wide landscaped median including curbs,

color/textured paving, and other "gateway" elements (e.g.. lights, bollards. entry walls, etc.).

d. Standard: Housing developments with more than two hundred (200) parking stalls (inclusive of the spaces located within carports and enclosed garages), that are located on an arterial or a larger street shall provide deceleration lanes adjacent to each major entry per City standards.

Chapter 16.16 (Combining and Overlay Districts) of the Murrieta Municipal Code is hereby amended as follows:

16.16.010 Purpose.

A. Purpose. The purpose of this chapter is to provide guidance for development and new land uses in addition to the standards and regulations of the primary zoning district, where important area, neighborhood or site characteristics require particular attention in project planning.

B. Applicability. The applicability of any overlay zoning district to specific sites is shown by the overlay zoning map symbol established by Section 16.06.010 (Zoning Districts Established). The provisions of this chapter apply to development and new uses in addition to all other applicable requirements of this development code. In the event of any perceived conflict between the provisions of this chapter and any other provision of this development code, this chapter shall control.

C. The Combining and Overlay Districts Include the Following:

1. MPO (Master Plan) Overlay District. The MPO designation is applied to appropriate parcels with unique characteristics or circumstances that require additional development review. The district is subject to the density of the base zoning district and provides for clustering of residential dwelling units within projects in compliance with the master development plan process.

a. Master Development Plan Required. For any project with a master plan overlay designation, a master development plan shall be prepared pursuant to Chapter 16.64 of the development code, except that a specific plan shall be required for commercial or industrial zoned property with a master plan overlay, for the mixing of residential and non-residential land uses, or as required by the city pursuant subsection (C)(1)(c) of this section.

b. Applicable Residential Zones. A master plan overlay is restricted to the following residential zones:

Rural Residential (RR);

Estate Residential 1 (ER-1);

Estate Residential 2 (ER-2);

Single-Family 1 (SF-1).

c. Specific Plan May be Required for Certain Projects. Projects in a master plan overlay may re-quire the preparation of a specific plan if required by the city, in accordance with state law, when the following occur:

The project site is of sufficient size to effectively utilize density transfers to protect and preserve significant open space areas; and/or

The project site contains environmentally sensitive habitat or species or has significant geographic constraints or requires extensive public utility extensions that necessitate detailed long-range planning to ensure adequate protection of resources and the efficient provision of public services, infra-structures, and/or utilities.

Specific plans shall comply with the density provisions of the underlying land use designation.

d. Development Standards. The following standards (Table 16.16-1) shall apply. Modifications to these standards, except for minimum lot size, may be considered as part of the review and approval of a master development plan provided in subsection (C)(1)(g) of this section:

**Table 16.16-1
MASTER PLAN OVERLAY APPLICABLE STANDARDS**

Land Use Designation/Zone	Min. Lot Size	Applicable Standards (1)
Rural Residential (RR)	20,000 sq. ft.	ER-2
Estate Residential 1 (ER-1)	10,000 sq. ft.	ER-3
Estate Residential 2 (ER-2)	7,200 sq. ft.	SF-1
Single-Family 1 (SF-1)	5,000—6,000 sq. ft. (2)	SF-2

Notes:

(1) See Table 16.08-1 "Use Table For Residential (Single-Family) Zoning Districts"; Table 16.08-3 "Residential (Single-Family) Zones General Development Standards"; and Section 16.08.030 "Single-family Residential Design Standards and Parameters" for additional standards. In addition to the above-described standards, all applicable standards pertaining to single-family residential development, including but not limited to landscaping, parking etc. shall apply.

(2) Five thousand (5,000) square foot lots may be allowed for up to ten (10) percent of the project and six thousand (6,000) square foot lots may be allowed for up to twenty (20) percent of the project.

e. Modifications to Development Standards. Modifications to development standards may be approved in order to allow greater flexibility in dealing with site-specific issues, such as preservation of environmentally sensitive areas, efficient use of infrastructure, and allow for the inclusion of on-site amenities such as open spaces, enhanced landscaping and recreational opportunities. As the number and extent of any proposed development standard modifications increase, it is expected that the number and extent of the public amenities would expand accordingly.

f. Project Amenities. The development project shall provide public benefit beyond that normally required of a similar development outside of an MPO by the provision of such things as equestrian facilities, public open space, on and/or off site infrastructure improvements, public playgrounds, trails and other recreational facilities, or other beneficial public use facilities to the satisfaction of the city council as part of the master development plan review process.

g. Modifications to Standards for Public Benefit. Modifications to the standards specified herein may be approved in order to allow greater flexibility in reaching the objectives of the master plan and to meet the needs of a particular site. Any modifications must demonstrate that the public benefit is being provided.

3. SHO (Scenic Highway) Overlay District. The SHO designation is applied to the 1-15 and 1-215 corridors, as defined in the Master Plan of State Highways Eligible for Official Scenic Highway Designation, to provide protection for scenic qualities of historic significance with appropriate conservation plans. The SHO designation is consistent with the scenic highway/special corridor designation in the conservation and open space element of the general plan.

(Ord. 293 § 1 (part), 2004; Ord. 182 § 2 (part), 1997)

16.16.020 Planned Residential Development General Standards.

1. PRD (Planned Residential Development). The PRD standards can be utilized on all land zoned SF-2 (single-family residential), MF-1 (multi-family residential). The standards allow for the development of single-family detached and attached units on residential lots which are smaller than four thousand three hundred fifty (4,350) square feet, by requiring the use of common usable open space within the development in either a neo-traditional, courtyard cluster or alley access site design. Per Chapter 16.56, a development plan must be filed concurrent with the request for a planned residential permit, and the proposed project must meet all requirements set forth in Table 16.16-2 and Section [16.16.020](#).

Table 16.16-2
PRD GENERAL DEVELOPMENT STANDARDS

Development Feature⁽⁶⁾	Neo-Traditional – Type A⁽¹⁾⁽²⁾⁽⁵⁾⁽⁶⁾	Neo-Traditional – Type B⁽¹⁾⁽²⁾⁽⁵⁾⁽⁶⁾	Courtyard Cluster/ Alley Access⁽¹⁾⁽²⁾⁽⁵⁾⁽⁶⁾
Detached Single-Family Unit	1 Unit Configuration	1 Unit Configuration	1 Unit Configuration
Attached Single-Family Units	2-3 Unit Configuration	2-3 Unit Configuration	2-3 Unit Configuration
Minimum Parcel Size	4,000 sq. ft.	3,500 sq. ft.	2,750 sq. ft.
Minimum Site Area Equivalent Per Dwelling Unit for an Attached Single-Family Unit	4,000 sq. ft.	3,500 sq. ft.	2,750 sq. ft.
Minimum Parcel Width	45 ft.	40 ft.	35 ft.
Maximum Livable Area	2,100 sq. ft.	2,100 sq. ft.	1,800 sq. ft.
Minimum Livable Area	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
Setbacks Required ⁽⁵⁾			
Front	10 ft. ⁽³⁾	10 ft. ⁽³⁾	10 ft.
Side (each)	0 - 10 ft. ⁽⁴⁾	0 - 10 ft. ⁽⁴⁾	0 - 10 ft. ⁽⁴⁾
Street side	10 ft.	10 ft.	10 ft.
Rear	15 ft.	15 ft.	See 16.16.030(A)(5)
Accessory Structures	See Section 16.44.150 (Residential Accessory Uses and Structures)		
Maximum Parcel Coverage	50%	50%	60%
Maximum Height Limit	35 ft.	35 ft.	35 ft.
Common Open Space	425 sq. ft./unit	500 sq. ft./unit	750 sq. ft./unit
Private Open Space	675 sq. ft./unit	600 sq. ft./unit	350 sq. ft./unit

Notes:

- (1) The standards below are for attached and detached single-family units.
- (2) The number of dwelling units in a planned development shall not exceed the density permitted by the underlying zone. The density regulations of the underlying zone may be applied to the total developable area of the planned development rather than separately to individual lots. In no case shall the density of the project be inconsistent with the general plan.
- (3) The front yard setback must be a minimum of ten feet to an architectural feature (ex: front porch or bay window). The setback for the garage door must be at least twenty (20) feet from the back of the sidewalk, or the back of curb if there is no

sidewalk. Projects incorporating side-loaded garages may use a ten (10) foot minimum setback to the garage. See Section 16.16.030(A)(5)(a) below.

(4) The total distance between structures must be at least ten feet per California Building and Fire Code standards. If any side yard setback is less than three feet, easements may be required on the adjacent property to allow for proper fire and emergency access.

(5) See Section 16.16.030(A)(5) for additional design criteria.

(6) Exception to Development Standards - See Section 16.44.160 (Accessory Dwelling Units) for lot coverage, setbacks, and square footage provisions as required per State law.

16.16.030 Planned Residential Development Design Standards and Parameters.

The following standards and parameters are provided to ensure a level of quality that must be complied with or satisfied in all planned residential developments (PRD). In addition to the general provisions of the underlying zone and Chapter 16.16 (Combining and Overlay Districts), a PRD shall comply with the following standards. Parameters are provided to allow flexibility by providing options for implementing specific standards. In order to meet a certain standard, one or a combination of parameters shall be incorporated in the project's design. In some instances, there will be no parameter(s) identified for a particular standard and this will be noted.

A. Site Planning. The following standards and parameters deal with the internal organization of planned residential developments. The intent of the standards and parameters is to ensure that the relationships of units to each other and to other on-site uses are functional, attractive, and create a visual variety along the project's streets.

1. Lot Layout.

a. Standard: A project may be designed using one, two or all three of the lot designs within the project. Attached single-family units with up to three units within a building may be an option as well for any of the three lot designs with implementation of a modified typical interior setback(s) (See Table 16.16-2 "PRD General Development Standards" for additional details). All other PRD standards would apply for this type of attached configuration. The standards that apply to any given lot will depend upon where access to the garage is obtained. A neo-traditional lot (Refer to Diagram 16.16-1) will have garage access from the front of the house to the project local street. Cluster courtyards and alley access lots will have garage access to the side of the house from either a courtyard or an alley.

Parameters:

1) The neo-traditional development consists of detached single-family dwellings on individual lots. Lots are of approximately equal size, and are placed adjacent to one another throughout the entire project area. Common open space areas are dispersed throughout the project. A two-car garage shall be provided for each unit.

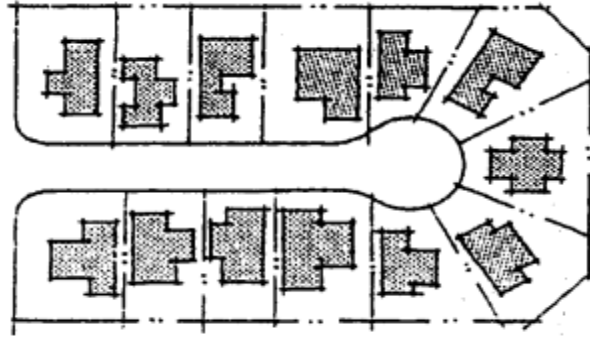


Diagram 16.16-1 - Neo-Traditional Development Lot Configuration – Single Family Home Typical Layout

2) The courtyard cluster or alley access development layout (Refer to Diagram 16.16-2) permits a reduction in lot area, resulting in an increase in the overall density of the project. Single-family homes are clustered around an access courtyard or provided with rear alley access. Garages have access from the courtyard or from the alley. Common usable open space areas are provided throughout the project. Private fenced patio area is provided for each unit. A two-car garage shall be provided for each unit.



Courtyard Cluster



Alley Access

Diagram 16.16-2 – Courtyard Cluster and Alley Access Development Lot Configuration – Single Family Home Typical Layout

2. Parking.

a. Standard: All units shall have at least two full-size enclosed residential parking spaces. A three-car garage is not permitted, unless the third space is located within a tandem configuration.

Parameters: None.

b. Standard: Driveways for a neo-traditional lot design shall be large enough to provide for additional off-street parking. Driveway length is measured from back of sidewalk, or back of curb where there is no sidewalk.

Parameters:

1) Driveways for neo-traditional lots shall have a minimum of twenty (20) feet in length.

c. Standard: Visitor parking shall be provided. Standards set forth in Section 16.34.040 regarding the number of spaces to be provided shall be followed.

Parameters:

1) On-street parallel parking on project streets may satisfy this requirement. On-street parallel parking on at least one side of the street is strongly encouraged. If the project lacks adequate on-street parking, additional parking bays dispersed throughout the project shall be provided.

d. Standard: Additional parking spaces, in excess of the required visitor parking, at a ratio of one space per ten units included in the entire project, shall be provided at the primary recreation facility.

Parameters: None.

3. Common Recreational Space.

a. Standard: Open space areas designed for common recreation use shall be provided for all residential developments at a ratio of four hundred twenty-five (425) square feet per unit for neo-traditional units and seven hundred fifty (750) square feet per unit for courtyard cluster or alley access units.

Parameters: None.

b. Standard: Specifically excluded from meeting the common usable open recreational space requirement are driveways, parking areas, fenced areas, which are inaccessible to residents, areas with slopes of fifteen (15) percent or greater, and any other areas deemed not to be primarily used for open recreational purposes by the planning commission or city council.

Parameters: None.

c. Standard: For all projects, common usable space areas shall be designed so that a horizontal rectangle inscribed within it has no dimension less than ten feet.

Parameters: None.

d. Standard: Residential projects with twenty-five (25) to seventy-four (74) units shall provide at least one common, active recreation area with a minimum size of four thousand (4,000) square feet, to meet a portion of these requirements. Residential projects with seventy-five (75) units or more shall provide at least two common, active recreation areas with a minimum size of four thousand (4,000) square feet or one area with a minimum size of eight thousand square feet to meet a portion of these requirements.

Parameters: None.

e. Standard: Each recreation area shall provide amenities to commensurate with the project's unit count and expected residents.

Parameters: Examples include swimming pool, jungle gym, sand pit, basketball court, sand volleyball court, swing set, barbeques and picnic tables.

4. Streets.

a. Standard: Private streets are required within a planned residential development, provided their width and geometric design must be related to the function, topography and needs of the development, and their structural design, pavement and construction must comply with the requirement of the city's street improvement standards.

Parameters: None.

b. Standard: Private streets may incorporate one of the following parameters:

Parameters:

1) Streets with two lanes and parking on both sides, shall have a minimum width of thirty-six (36) feet.

2) Streets with two lanes and parking on one side, shall have a minimum width of thirty-two (32) feet.

3) Streets with two lanes and no parking shall have a minimum width of twenty-eight (28) feet.

4) Alleys which are not considered fire lanes by the fire official, may have a minimum width of twenty-four (24) feet.

c. Standard: No parking shall be permitted on private alleys.

Parameters: None.

d. Standard: Streets with curves or jogs at intervals of no more than three hundred (300) feet are strongly encouraged in all PRDs to enhance the visual quality of the streetscape.

Parameters: None.

5. Setbacks.

a. Front Yards on Streets: Front yard setbacks along private streets shall be varied throughout the project. Alternative placement of homes and garages closer to and farther back from the street create different patterns of open space along the street edge and break up an otherwise monotonous view of houses built along the same setback. The project may achieve this by incorporating one of the following parameters:

Parameters:

1) Varying architectural features, such as bay windows, porches, and side-loaded garages.

2) No more than two adjacent residences shall incorporate the same setback.

b. Yards Abutting Common Open Space: Courtyard clusters and alley access units may have entries that face common open space. In this case, a minimum five-foot setback shall be provided to the lot line. When the private patio area abuts common open space, no setback is required to the patio wall or fence.

c. Garage Setbacks: Garages taking access from a courtyard or alley must have garage doors set back between two to five feet, or at least twenty (20) feet. Setbacks between five and twenty (20) feet are specifically prohibited to preclude parking in front of garage doors without adequate depth to accommodate the car.

6. Private Open Space.

a. Standard: Each lot shall contain a private outdoor yard and/ or patio area enclosed by a wall or fence. This area shall be usable for the exclusive use of the residents of the lot.

Parameters:

1) For neo-traditional lots the required rear yard area shall include a level private outdoor area of at least six hundred (600) square feet in area with a minimum dimension of fifteen (15) feet (See "Table 16.16-2 PRD General Development Standards" for the two neo-traditional types and additional criteria).

2) For cluster courtyards or alley access lots, a level private outdoor area of an area of three hundred fifty (350) square feet, with a minimum dimension of ten feet, shall be provided on each lot. This area may be located in the front of the unit, between the unit and a detached garage, or within the side yard setback.

3) The private exterior area where proposed mechanical equipment (i.e. air conditioning condensing units, etc.) is proposed shall not count towards the required square footage.

7. Recreational Vehicle Storage.

a. Standard: All projects containing twenty-five (25) units or more shall provide space to store campers, trailers, boats, etc. The storage space shall be located in specifically designated areas, and be made available for the exclusive use of the residents of the planned development. Parameters:

1) The area provided for recreational vehicle storage shall be equal to at least twenty (20) square feet for each unit.

b. Standard: One space per ten dwelling units at a size of two hundred (200) square feet for each required space.

Parameters: None.

c. Standard: The required storage space shall be adequately screened from all residences and adjoining properties.

Parameters:

1) A view-obscuring wall may be constructed between the open parking area and the adjacent residences.

2) Landscaping techniques may be used to screen the open parking area from the adjacent residences.

B. Parkland Dedication.

a. Standard: Each project will be required to fulfill one hundred (100) percent of Quimby Act requirements. No credits will be provided for private open space.

Parameters: None.

C. Lighting.

a. Standard: Lighting shall be provided on-site consistent with City standards for pedestrian safety, vehicular safety, and for security purposes.

Parameters: None.

D. Utilities.

- a. **Standard:** There shall be separate utility systems for each unit.

Parameters: None.

E. Landscaping.

1. Walls and Fences.

- a. **Standard:** The project shall follow wall and fence guidelines found in Chapter 16.08 of the Murrieta development code.

Parameters: None.

2. Project Entry.

- a. **Standard:** All projects shall provide a project entry. The minimum parameters are required:

Parameters:

- 1) The use of landscaping to create themes which will continue throughout the project.
- 2) The use of decorative paving in order to enhance the entry to the residential project.
- 3) Wall signs which identify the project.

- b. **Standard:** At least **one** of the following “Sense of Place” components:

Parameters:

- 1) Incorporation of water features such as fountains and/or small pools pursuant to State requirements regulating water usage.
- 2) The use of a thematic vertical elements at the main entrance.
- 3) The use of decorative benches and other types of exterior seating which are thematic to the project.

F. Homeowner's Association.

a. Standard: All projects shall create a homeowner's association in order to address maintenance of the common open space. The CC&Rs for the project will be subject to review and approval of the city attorney.

Parameters: None.

G. Home Types and Styles.

a. Standard: A minimum of fifteen (15) percent of the residences within a PRD may be required by the city to be one-story, with a height not exceeding twenty (20) feet.

Parameters: None.

b. Standard: Additional front and/or side yard setbacks may be required by the city for two-story homes within a PRD.

Parameters: None.

c. Standard: Varied architectural styles and/or exterior materials may be required by the city for the homes within a PRD.

Parameters: None.

(Ord. 538, Exhibit A (part), 2018; Ord. 293 § 1 (part), 2004; Ord. 252 (part), 2002)

Article III – Site Planning and General Development Standards

...

16.20 Density Bonus Regulations

...

16.34 Off-Street Parking and Loading Standards

...

16.44 Standards for Specific Land Uses

...

16.70 Temporary Use Permits

...

Chapter 16.20 (Density Bonus Regulations) of the Murrieta Municipal Code is hereby amended as follows:

16.20.040 Application Requirements.

A. Any applicant requesting a density bonus and any *incentive(s)*, waiver(s), parking reductions, or *commercial development bonus* provided by State Density Bonus Law shall submit a density bonus report as described below concurrently with the filing of the planning application for the first discretionary permit required for the *housing development, commercial development*, or mixed-use development. The requests contained in the density bonus report shall be processed concurrently with the planning application. The applicant shall be informed whether the application is complete consistent with Government Code § 65943.

B. The density bonus report shall include the following minimum information:

1. Requested Density Bonus.

a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

b. Summary table identifying the proposed on-site parking and how it is allocated within the scope of the project. The applicant shall consult with the provisions of Government Code Section § 65915.

c. A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units, and if applicable, the location of all major

transit stop(s) as defined under Government Code Section § 65915, and/or fixed bus route(s) as described under Government Code Section § 65915 for a rental project for those 62 or older, or a for a special needs housing development, or combination thereof.

d. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.

e. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

f. Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five-year period preceding the date of submittal of the application.

g. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code § 65915(g) can be met.

Chapter 16.34 (Off-Street Parking and Loading Standards) of the Murrieta Municipal Code is hereby amended as follows:

**TABLE 3-7
PARKING REQUIREMENTS BY LAND USE**

Residential Uses	Vehicle Spaces Required
Density Bonus	On-site parking for a density bonus project shall be consistent with the requirements as described under Government Code § 65915(p). See Section 16.20.040.B.4 for additional details.

Chapter 16.44 (Standards for Specific Land Uses) of the Murrieta Municipal Code is hereby amended as follows:

16.44.150 Residential Accessory Uses and Structures.

This section provides standards for specific residential accessory uses and structures allowed in the zoning district applicable to a parcel. Residential accessory uses include

any use that is customarily related to a residence, including, but not limited to, garages, greenhouses, storage sheds, studios, above ground swimming pools/spas and workshops. Accessory structures must obtain development plan approval pursuant to Chapter 16.56 (Development Plan Permits) of this title if a new accessory structure or addition results in an increase of more than one thousand (1,000) square feet, unless otherwise identified in this Section. *Accessory Dwelling Units (ADUs)* are separately defined by State Law from Residential Accessory Uses and Structures. Please see Section 16.44.160 (Accessory Dwelling Units) for definitions, criteria, and processing requirements.

A. General Requirements. Accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this section for specific uses.

1. Relationship of Accessory Use to the Main Use. Accessory uses and structures shall be incidental to and not alter the residential character of the site.

2. Attached Structures. An accessory structure that is attached to a main structure shall be architecturally compatible with, and made structurally a part of the main structure (e.g., share a common wall with the main structure). It shall also comply with the requirements of this development code applicable to the main structure, including but not limited to setbacks, heights, and lot coverage, unless a minor variance is approved. For accessory structures that propose an *ADU* component, please refer to Section 16.44.160 and Government Code 65852.2 for criteria with respect to the *ADU* components of the structure.

3. Detached Structures:

a. Coverage. The floor area of a single detached accessory structure shall not exceed one thousand (1,000) square feet, nor shall the sum of the floor area(s) of the total number of detached accessory structures exceed 40 percent, of the required rear yard of the parcel. A covered patio or barbecue area shall not be construed as an accessory structure for purpose of calculating floor area.

b. Design. Detached accessory structures shall be compatible with the materials and architecture of the main dwelling(s) on the property whenever feasible. For accessory structures that propose an *ADU* component, please refer to Section 16.44.160.F.2 for the exterior design criteria.

c. Setback Requirements. Setbacks shall be as provided by Table 3-14 (Required Setbacks—Accessory Uses and Structures). For accessory structures that propose an *ADU* component, please refer to Section 16.44.160.F.1 for the setback criteria with respect to the *ADU* component of the structure.

d. Height. The maximum height of an accessory structure shall be in compliance with the height restriction for the zone, and shall not be greater than the height of the

primary residence on the lot. An accessory structure proposing an *ADU* component shall be permitted to exceed the height of the primary residence for the portion of accessory structure containing and for accessing the *ADU*.

B. Antennas. Antennas are subject to the provisions of Section 16.44.170 (Telecommunications Facilities).

C. Garages. A detached accessory garage shall not be greater than one thousand (1,000) square feet or fifty (50) percent of the square footage of the main dwelling unit, whichever is less, or two thousand (2,000) square feet or fifty (50) percent of the square footage of the main dwelling unit in rural residential zones, whichever is greater. Size deviation may be authorized pursuant to section 16.56.020 (A).

D. Greenhouses. An accessory greenhouse may occupy up to five hundred (500) square feet for each dwelling unit or ten percent of the parcel, whichever is less.

E. Guest Living Quarters. Guest living quarters, which are sometimes referred to as a Granny Flat or Guest House, can be attached or detached for temporary use by guests or family members of the primary residence. Guest living quarters do not include a kitchen or wet-bar and may occupy up to 500 square feet. Guest living quarters may not be rented.

F. Swimming Pools/Spas/Hot Tubs. Private swimming pools, spas and hot tubs are allowed accessory to approved residential uses on the same parcel, subject to the following provisions:

1. Limitation on Use. The pool is to be used solely by occupants of the dwelling(s) on the same parcel and their guests; and

2. Fencing. The swimming pool shall be secured by fencing and/or walls to prevent uncontrolled access by children, in compliance with the building code.

3. Setbacks. Swimming pool/spa shall maintain the required setback which is measured from water edge to property line for in-ground pool/spa and from the outside edge of the structure to property line for above ground pool/spa.

G. Tennis and Other Recreational Courts. Noncommercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use are subject to the following provisions:

1. Fencing: Shall be subject to the height limits of Chapter 16.22 (Fences, Hedges and Walls); and

2. Lighting. Court lighting shall not exceed a maximum height of twenty (20) feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property, in compliance with Section 16.18.100 (Lighting).

H. Workshops and Studios. Accessory structures intended for engaging in artwork, crafts, light hand manufacturing, mechanical work, etc. are subject to the following standards when located in a residential zoning district:

1. Limitation on Use: An accessory structure may be constructed or used as a studio or workshop in any residential zoning district for the following noncommercial activities:

- a. Amusements or hobbies;
- b. Artistic endeavors (e.g., painting, photography or sculpture);
- c. Maintenance of the main structure or yards;
- d. Maintenance or mechanical work on vehicles owned or operated by the occupants; or
- e. Other similar purposes.

Use of an accessory workshop for commercial activity shall be subject to the standards for home occupations, in compliance with Chapter 16.60; and

2. Floor Area. A workshop shall not occupy an area larger than one thousand (1,000) square feet, except where a workshop is combined with a garage. In this case subsection C (Garages), above, shall apply.

I. Rooming and Boarding House. A rooming and boarding house (including sober living homes), as defined in Chapter 16.110 of this title, may be established only upon approval of a conditional use permit for six (6) or fewer occupants, and shall be prohibited for more than six (6) occupants subject to the following standards (Short-Term Vacation Rentals that are regulated separately fall outside of this criteria. See, Chapter 5.27 (Short-Term Vacation Rentals) of the Murrieta Municipal Code for further criteria on these uses):

1. Filing Requirements. In addition to the regular application information, the application for a conditional use permit for a rooming and boarding house or sober living home shall include the following information:

- a. Any proposed restrictions or limitations on the resident profile, such as men only, women only, families with children, elderly or special needs;
- b. The number of rooms to be used for sleeping purposes, and the maximum number of residents including on-site management staff, if any; and
- c. Any proposed limitations on the maximum stay for each resident.

2. Site Location Criteria. In evaluating a proposed rooming and boarding house or sober living home the following criteria shall be considered:

- a. Compatibility of the proposed use with neighboring uses;
- b. Whether the use will result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;
- c. The proximity of the use to shopping and services, and access to public transportation; and
- d. To avoid an over-concentration of rooming and boarding houses and sober living homes, there shall be a minimum separation requirement of five hundred (500) feet, measured from the nearest outside building walls, between the subject use and any other rooming and boarding home or other group housing as defined in this title or in state law.

3. Development Standards. Any rooming and boarding house or sober living home shall comply with the following:

- a. Structures and landscaping shall be compatible with the character of the surrounding neighborhood;
- b. Sufficient on-site parking shall be provided (the precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal);
- c. Both indoor and outdoor open areas shall be provided on site;
- d. All setback standards of the underlying zone shall be met; and
- e. Signs as permitted in Chapter 16.38.

4. Notification. Notification of the conditional use permit public hearing shall be done in accordance with Chapter 16.52 of this title.

5. Existing Facilities. Upon the expiration of any conditional use permit, an existing rooming and boarding house or sober living home must comply with the requirements of this Section 16.44.150.

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the city, including, but not limited to, the number of occupants or residents, or any modifications to the conditions of approval pursuant to the required conditional use permit, shall require the immediate submittal of a request for revision of the required conditional use permit.

J. Parolee-Probationer Home. A parolee-probationer home, as defined in Chapter 16.110 of this title, may be established only upon approval of a conditional use permit for six (6) or fewer occupants, and shall be prohibited for more than six (6) occupants subject to the following standards.

1. Filing Requirements. In addition to the regular application information, the application for a conditional use permit for a parolee-probationer home shall include the following information:

- a. Client profile (the subgroup of the population the facility is intended to serve);
- b. Maximum number of occupants, including support staff;
- c. Proposed maximum stay for each parolee-probationer;
- d. A description of support services to be provided on-site and projected staffing level, if any;
- e. Site plan and floor plans; and
- f. Rules of conduct and business management plan.

2. Site Location Criteria. In evaluating a proposed parolee-probationer home, the following criteria shall be considered:

- a. Compatibility of the proposed use with neighboring uses;
- b. Whether establishment of the facility will not result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;
- c. Facility shall be located along or near a collector or arterial street with reasonable access to public transportation;
- d. Facility shall be accessible to necessary support services;
- e. To avoid an over-concentration of parolee-probationer homes, there shall be a one thousand (1,000) foot separation requirement as measured from the nearest outside building walls between the subject use and any other parolee-probationer home or other group housing as defined in this title or in state law;
- f. To avoid an over-concentration of group housing facilities, there shall be a one thousand (1,000) foot separation requirement as measured from the nearest outside building walls between the subject use and any other group housing as defined in this title or state law; and
- g. That parolee-probationer homes shall not be located within one thousand (1,000) feet of a public or private school (pre-school through twelfth (12th) grade), student housing, senior housing, child care facilities, public parks and trails, or businesses licensed for on- or off-site sales of alcoholic beverages, as measured from

any point on the outside walls of the parolee-probationer home to the nearest property line of the noted use.

3. Development Standards. Any parolee-probationer home shall comply with the following:

- a. Facility shall be compatible with the character of the surrounding neighborhood;
- b. Sufficient on-site parking shall be provided (the precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal);
- c. Both indoor and outdoor open areas shall be provided on site;
- d. All setback standards of the underlying zone shall be met;
- e. Signs as permitted in Chapter 16.38;
- f. On-site staff supervision shall be required for parolee-probationer homes during all hours of operation;
- g. Individual client stays at parolee-probationer homes shall not exceed one hundred eighty (180) days; and
- h. The facility's management shall participate in any formal residential crime prevention program (i.e., Crime Free Multi-Housing Program) provided by the city and as required under the conditional use permit and, if the program offers certification, then that certification shall be obtained and maintained in current status.

4. Notification. Notification of the conditional use permit public hearing shall be done in accordance with Chapter 16.52 of this title.

5. Existing Facilities.

- a. Upon the expiration of any conditional use permit, an existing parolee-probationer home must comply with the requirements of this Section 16.44.150J.
- b. An existing parolee-probationer home established pursuant to any conditional use permit discontinued for any period of time, excluding a maximum thirty- (30-) day closure required to perform necessary repair or restoration which does not increase the square footage of the residence, is deemed abandoned and any subsequent establishment of a parolee-probationer home on the premises shall be required to first obtain a new conditional use permit.

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the city, including, but not limited to, the number of

occupants, residents or parolees- probationers, or modifications to the conditions of approval pursuant to the required conditional use permit shall require the immediate submittal of a request for revision of the required conditional use permit.

K. Cargo Containers As An Accessory Structure. The purpose of this section is to allow cargo containers to be placed on private property in a permanent manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate residential neighborhood and will not become a nuisance to the community.

1. Permanent use.

- a. It shall be limited to one (1) cargo container for parcels between one (1) and two (2) acres. One (1) additional container may be proposed for parcels greater than two (2) acres.
- b. The permanent placement of a cargo container shall be limited to the Rural Residential (RR) and Estate Residential 1 (ER-1) zones that are greater than one (1) acre or more.
- c. The approval shall be specific to a location and shall not be transferable to other locations or property.
- d. It shall meet all requirements as set forth in the California Building and Fire Code(s).
- e. It shall be limited to a "storage occupancy" as categorized under the California Building and Fire Code(s).
- f. It shall be accessory to the primary use of the property for the storage of nonflammable, noncombustible, nonhazardous materials and supplies.
- g. The cargo container shall be modified in such a manner to match the main residential structure in terms of exterior colors, trim, and roofing style. On larger parcels, over two (2) acres or more, the modifications shall be limited to the paint color of the exterior in terms of matching the main residential structure.
- h. Structure setbacks shall be provided as noted in Table 3-14.
- i. It shall comply with and height and lot coverage thresholds as defined within Rural Residential (RR) and the Estate Residential 1 (ER-1) zones.
- j. Landscape screening methods shall be provided on-site to the satisfaction of the Planning Director or their designee.

- k. Existing cargo containers at existing residential properties can remain in place 18 months from the effective date of Ordinance ____.

**TABLE 3-14
REQUIRED SETBACKS—ACCESSORY USES AND STRUCTURES**

Single-family Homes		
Accessory Structure	Type of Setback¹	Required Setback²
Garage, gazebo, greenhouse, patio cover, storage shed, workshop (more than one hundred twenty (120) square feet)	Sides and rear	Five feet; unless adjacent to a public street when the setback shall be 10 feet
Gazebo, greenhouse, patio cover, storage shed, (less than one hundred twenty (120) square feet) ³	Sides and rear	Three feet
Swimming pool, spa, fish pond, outdoor play equipment ⁴	Sides and rear	Five feet
Stationary barbecue, fire pit, propane tank	Front, Sides and rear	Ten feet Three feet
Air conditioning equipment, pool and spa equipment, ground-based antennas	Sides and rear	Four feet
<i>Cargo Containers As An Accessory Structure⁽⁷⁾</i>	Front, Side, min. distance from another structure, rear	Twenty-five feet Ten feet, Eight feet
Multi-family Homes		
Garage, gazebo, greenhouse, patio cover, storage shed, workshop	All sides	As required for main structure
Gazebo, greenhouse, patio cover, storage shed, (less than one hundred twenty (120) square feet) ³	All sides	Three feet
Swimming pool, spa, fish pond, outdoor play equipment ⁴	Front Sides and rear	Ten feet
Stationary barbecue, fire pit, propane tank	Front Sides and rear	Ten feet Three feet

Air conditioning equipment, pool and spa equipment, ground-based antennas	Sides and rear	Four feet
<p>Notes: (1) Where a parcel is situated so that the front, side, or rear property lines are not readily determinable, required setbacks shall be established by the director.</p> <p>(2) A structure, projection or equipment shall not be placed or occur beyond the property lines of the subject parcel.</p> <p>(3) Building permits are not required for accessory structures one hundred twenty (120) square feet or less in area and twelve (12) feet or less in height.</p> <p>(4) Pools and/or spas may be allowed no closer than three feet as determined by the director. A minor variance may be required if at the discretion of the director, it is determined that the reduced setback could cause adverse impacts to adjacent properties (see Section 16.72.020).</p> <p>(5) Existing single family detached lots with lot widths less than required by the zone may utilize a reduced setback equal to ten percent (10%) of the lot width but in no case closer than three feet.</p> <p>(6) Small structures that are less than six feet in height and do not extend above an adjoining solid fence or wall is exempt from setback requirements.</p> <p>(7) Limited to Rural Residential (RR) and Estate Residential (ER-1) Zones with a minimum of a one (1) acre parcel area.</p>		

Chapter 16.70 (Temporary Use Permits) of the Murrieta Municipal Code is hereby amended as follows:

16.70.030 Allowed Temporary Uses.

An application for a temporary use permit shall be required for the following activities and shall be subject to conditions identified in Section 16.70.060, below and other additional conditions as may be imposed by the director.

A. Commercial Coaches. Commercial coaches (as defined by state law (Health and Safety Code Section 18001.8)) or mobile homes on active construction sites, for use as a construction office, temporary living quarters for security personnel, or temporary residence of the subject property owner. The following restrictions shall apply:

1. The director may approve a temporary trailer coach for the duration of the construction project or for a specified period, but in no event for more than two years. If exceptional circumstances exist, a one-year extension may be granted, in compliance with Section 16.80.060 (Time Extensions);
2. Installation of trailer coaches may occur only after a valid building permit has been issued by the building department;
3. Trailer coaches allowed in compliance with this chapter shall not exceed a maximum gross square foot-age of six hundred fifty (650) square feet in size (tongue not included);

4. The trailer coach shall have a valid California vehicle license and the applicant for the trailer coach shall provide evidence of state division of housing approval, in compliance with state law (Health and Safety Code);

5. The temporary trailer coach installation shall meet all requirements and regulations of the county department of environmental health services and the city's building department; and

6. A permit issued in compliance with this chapter, in conjunction with a construction project, shall become invalid upon cancellation or certificate of occupancy for which this use has been approved, or the expiration of the time for which the approval has been granted.

B. Outdoor Arts and Crafts Shows. Outdoor arts and crafts shows and exhibits provided the uses are limited to two days of operation or exhibition in any one hundred eighty- (180-) day period;

C. Parking Lot Sales. Parking lot and sidewalk sales for businesses located within a commercially designated property shall be subject to the following development standards:

1. Outdoor display and sales items shall be identical and accessory to items sold indoors.

2. The business shall have a valid business license with the city and own/lease space on the subject property.

3. The display and sale of merchandise is permitted only by the tenant of an existing commercial development on the same site.

4. Private sidewalks, courtyards or entry areas may be utilized for display provided a minimum four foot wide pedestrian area remains clear and unobstructed and all fire, building and handicapped access requirements are met.

5. All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

6. The uses shall be subject to the sign regulations contained in Chapter 16.38.

D. Real Estate Office Trailers. Temporary real estate sales office trailers, to be used solely for the first sales of homes or the first rental of apartments within the same development, may be established within the areas of an approved tentative tract or an approved development plan permit, subject to the following:

1. The approved land use permit shall include those conditions and requirements deemed necessary or advisable to protect the public safety and the general welfare and adequate guarantees that the structures and facilities will be removed or made consistent with applicable zoning regulations within ninety (90) days after the expiration of the permit. In addition to those findings required for the approval of the land use application, the temporary use permit for a temporary real estate sales office trailer(s) shall also include the following findings:

a. The access, parking, and circulation facilities would not result in excess traffic congestion or traffic safety hazards; and

b. The operation of the real estate sales office trailer(s) and associated activities would not conflict with adjacent and nearby residential uses.

2. A temporary use permit application for a temporary sales office trailer(s) may be approved for a maxi-mum time period of two years from the date of approval. At the end of the two year period, the use shall either be terminated or the applicant may file for an extension, in compliance with Section 16.80.060 (Time Extensions).

E. Sales of Agricultural Products. Seasonal sales of agricultural products, provided parking and access are provided to the satisfaction of the director;

F. Seasonal Product Sales. Christmas tree, pumpkin, or other seasonal product sales lots subject to the following guidelines and conditions:

1. All uses shall be limited to no more than one hundred eighty (180) days of operation in any calendar year, subject to the discretion of the director;

2. The applicant shall secure an electrical permit from the city if the facility is to be energized;

3. All lighting shall be directed away from and shielded from adjacent residential areas and streets, in compliance with Section 16.18.100 (Lighting); and

4. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the director.

G. Special Outdoor Events. Special outdoor events including carnivals, circuses, fairs, parades, rodeos, and large athletic, religious, or entertainment events. The uses shall be subject to the following guidelines and conditions:

1. All uses shall be limited to not more than fifteen (15) days, or more than three weekends, of operation in any one hundred eighty- (180-) day period. To exceed this time limitation shall require the approval of a conditional use permit, in compliance with Chapter 16.52;

2. Activities conducted on property owned by or leased to the city and public rights-of-way may also require the approval of an encroachment permit issued by the engineering department;

3. The director may require a cash bond or other guarantee for removal of the temporary use, cleanup and restoration of the activity site within seven days of the conclusion of the approved activity;

4. Related issues including fire protection, food and water supply, medical services, noise, police/security, sanitation facilities, signs, traffic control, and use of tents and canopies shall be addressed to the satisfaction of the director, director of public works, police department, fire protection district, or health officer in their administration of other city codes. Other city codes may require the applicant to obtain additional permits (e.g., building, electrical, health, and tent permits); and

5. The director or any other responsible city department head may impose other conditions on the temporary use to ensure that the use is operated in a manner which would be compatible with the surrounding uses and neighborhoods.

H. Parking lot vehicle sales. Vehicle sales shall be allowed in commercial zones, subject to the following guidelines and conditions.

1. The use is limited to licensed new car dealerships located in the city.

2. All uses shall be limited to four (4) consecutive days, which must include Saturday and Sunday.

3. The applicant shall obtain clearances from the Public Works, Fire, and Police Departments.

4. Permit applications that involve other city codes may require additional permits (e.g., building, electrical and health).

5. The Planning Director may impose additional conditions to ensure the permit is used in a manner compatible with the surrounding uses and zoning.

I. Temporary Business Structures. Temporary structures to serve as substitute business space may be proposed when an existing commercial or industrial business structure is damaged or destroyed by means beyond the control or influence of the owner or tenant, subject to the following limitations, as well as additional requirements deemed appropriate by the Director:

1. The temporary structure shall not be greater in size than that which was damaged or destroyed;

2. The temporary structure shall be located so as to have a minimal effect on available parking;

3. The temporary structure shall comply with Fire Department and Building Department standards for public occupancy;

4. The temporary structure shall be housed in a structure designed for short-term use;

5. Use of the temporary structure shall have a time limit of twelve (12) months from the date that the business was damaged or destroyed, or nine (9) months from the date that a substantial plan check application for repair of the permanent structure is submitted to the city, whichever is the soonest;

6. A one-time extension of between one (1) and six (6) months may be approved by the Planning Director provided substantial progress toward completion of the construction on the permanent structure is made; and

7. The temporary structure shall be removed within the earlier of thirty (30) days after completion of the replacement permanent structure, or expiration of the time allowed for the temporary structure pursuant to this section.

J. Temporary Storage. Temporary storage may be allowed by the director for activities of a limited duration that are commonly associated with an approved use, provided the following findings can be made:

1. That the temporary storage, as proposed, will not adversely impact adjoining properties; and

2. That the temporary storage, as proposed, will not be contrary to the public health, safety and general welfare.

K. Commercial Filming. Temporary commercial motion picture production, television production (including commercials), still photography and related activities on public or private property (excluding public roads rights-of-way), for occasional commercial filming on location, subject to the following:

1. All commercial filming activities shall be conducted under the auspices of the City Manager. A certificate of Insurance indemnifying the City of Murrieta as an additional insured shall be provided.

2. Prohibited activities:

a. Any filming activity that creates a substantial risk of injury to persons, damage to property or a significant degradation of the environment or that is contrary to the

public health, safety or welfare, including but not limited to, disruption of emergency access to surrounding properties.

b. Any filming activities that violate any applicable City codes including but not limited to, the Grading and Noise Ordinances.

3. Limitations. On properties where commercial filming activities are the principal use of the property or structures, the use shall not be considered temporary and shall be subject to all applicable provision of the Development Code.

4. Street Closures or Filming in Public Right of Way. Any commercial filming activities taking place within public rights of way or requiring street closures are subject to approval of an encroachment permit and traffic control plan from the engineering department.

5. Exempted activities. The filming, videotaping or production of current news which includes reporters, photographers or cameramen employed by a newspaper, news service, broadcasting station or similar entity engaged in on-the-spot broadcasting of news events, or the filming or videotaping of motion pictures solely for private family use, shall be exempt from these provisions.

L. Special Events on Land Owned by or Leased to the City. Special Events that occur on land, outside of the public right-of-way, owned by or leased to the City are subject to the approval of a Special Events Permit Application for temporary events in lieu of a Temporary Use Permit application. The application, associated requirements and conditions are subject to review and issuance by the Parks and Recreation Director or their designee.

M. Temporary Residential Moving Containers. *Temporary residential moving containers* shall be subject to following criteria:

1. That the temporary residential moving storage, as proposed, will not adversely impact adjoining properties;

2. That the temporary residential moving storage, as proposed, will not be contrary to the public health, safety and general welfare;

3. *Temporary residential moving containers* shall not be placed in the public right-of-way.

4. The *temporary residential moving container* delivered to a residence's subject property, shall be limited to two occasions within a twelve-month (12) period and one container per occasion;

5. *Temporary residential moving containers* delivered to a residence shall be placed on a hardscape surface (i.e. driveway) and shall be limited to a maximum of a two-week

period on the subject private property. These provisions would not be subject to issuance of Temporary Use Permit. For containers which are proposed to be placed for longer than a two-week period, a Temporary Use Permit application with fees, and a description of the extraordinary hardship on why the additional timeframe is necessary, shall be submitted to the Planning Director or their designee for their review;

N. Temporary Cargo Containers The purpose of this section is to allow cargo containers to be placed on private property in a temporary manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate neighborhood and will not become a nuisance to the community.

1. A temporary use permit shall be required for when the *temporary cargo container* is used during construction activities at residential, commercial, office, business park, mixed-use or industrial locations.

2. It shall be placed in such a manner that it does not encroach into a landscaped area, onto sidewalks, or into public rights-of-way, and provides adequate access for ingress and egress in case of an emergency.

3. At a residential location it shall provide sufficient room to open the garage door to allow access and egress in case of an emergency.

3. It shall be limited to storage activities solely.

4. It shall be located in such a manner that it is to have a minimal effect on available parking.

5. The *temporary cargo container* shall comply with all City Engineering, Fire Department and Building Division standards for a storage occupancy and placement.

6. Use of the *temporary cargo container* shall have an initial time limit of six (6) months from the date of application approval.

7. A one-time extension of the temporary use permit may be approved for a period as determined necessary by the Planning Director or their designee provided there is substantial progress toward completion of the construction phase of the project.

8. The *temporary cargo container* shall be removed immediately upon completion of the temporary term or upon expiration or finalization of the building permit, whichever occurs first.

9. The Planning Director or their designee may impose additional conditions of approval with respect to the Temporary Use Permit for the *temporary cargo container*.

10. For cargo containers that proposed to be placed in a permanent manner, please refer to Section 16.44.150.K (Cargo Containers As An Accessory Structure).

(Ord. 544 § 32, 2019; Ord. 430-10 § 10, 2010; Ord. 412 § 2, 2008; Ord. 367 § 5, 2006; Ord. 269 § 2 (part), 2002; Ord. 182 § 2 (part), 1997)

Article VI – Development Code Definitions

Chapter 16.110 – Definitions

Section 16.110.020 (Definitions of Specialized Terms and Phrases) of the Murrieta Municipal Code is hereby amended as follows:

C. Definitions, "C". The following definitions are in alphabetical order.

Cargo Containers. It is a pre-manufactured metal shipping container or standardized, reusable vessel, designed without axle or wheels, that was originally designed and fabricated for, or used in, the packing, shipping, movement or transport of freight, articles, goods, or commodities from one location to another and that is delivered to a site as a fully assembled unit. The utilization of these units is limited for the conversion of an existing unit for permanent storage activities. See Section 16.44.150.K (Cargo Containers As An Accessory Structure) for additional details.

..

T. Definitions, "T". The following definitions are in alphabetical order.

Temporary Cargo Containers. It is a pre-manufactured metal shipping container or standardized, reusable vessel, designed without axle or wheels, that was originally designed and fabricated for, or used in, the packing, shipping, movement or transport of freight, articles, goods, or commodities from one location to another and that is delivered to a site as a fully assembled unit. The utilization of these units is limited for temporary construction activities. See Section 16.70.030.N (Temporary Cargo Containers) for additional details.

Temporary Residential Moving Containers. A storage container associated with moving activities at a residence. See Section 16.70.030.M (Temporary Residential Moving Containers) for additional details and parameters.